



## Executive

**Monday 15 July 2013 at 7.00 pm**

Boardroom - Civic Centre, Engineers Way, Wembley,  
HA9 0FJ

### Membership:

#### Lead Member Councillors:

#### Portfolio

Butt (Chair)	Leader/Lead Member for Corporate Strategy & Policy Co-ordination
R Moher (Vice-Chair)	Deputy Leader/Lead Member for Finance and Corporate Resources
A Choudry	Lead Member for Crime Prevention and Public Safety
Crane	Lead Member for Regeneration and Major Projects
Denselow	Lead Member for Customers and Citizens
Hirani	Lead Member for Adults and Health
Mashari	Lead Member for Environment and Neighbourhoods
McLennan	Lead Member for Housing
J Moher	Lead Member for Highways and Transportation
Pavey	Lead Member for Children and Families

**For further information contact:** Anne Reid, Principal Democratic Services Officer  
020 8937 1359, [anne.reid@brent.gov.uk](mailto:anne.reid@brent.gov.uk)

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**The press and public are welcome to attend this meeting**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item	Page
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<b>1</b>	<b>Declarations of personal and prejudicial interests</b>	
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Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

<b>2</b>	<b>Minutes of the previous meeting</b>	1 - 8
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<b>3</b>	<b>Matters arising</b>	
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<b>4</b>	<b>Petition - event day parking - Tokyngton area</b>	
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We the undersigned object to the proposed amendment to event day controls permit system in the Tokyngton area reference T0/12/190/EAM.

**Ward Affected:**  
Tokyngton

## Environment and Neighbourhood Services reports

<b>5</b>	<b>Outcomes from consultation for parking charge changes and permit changes</b>	9 - 30
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This report summarises the representations received from the statutory consultation process in relation to proposed changes for parking short stay on-street tariffs, permits, incentives for cashless parking and makes recommendations in relation to the issues arising.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor J Moher  
**Contact Officer:** Michael Read, Operational Director (Environment and Protection)  
Tel: 020 8937 5302 michael.read@brent.gov.uk

<b>6</b>	<b>Annual parking report</b>	31 - 50
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This report includes information about the number of civil parking enforcement related penalty charge notices issued for the period 2012/2013, the income and expenditure recorded in our 'parking account' and how subsequent parking surplus has been spent or allocated.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor J Moher  
**Contact Officer:** Michael Read, Operational  
Director (Environment and Protection)  
Tel: 020 8937 5302 michael.read@brent.gov.uk

### Children and Families reports

#### 7 Independent Fostering Agencies Framework Agreement 51 - 78

This report advises Members of Brent's participation in the procurement by the London Borough of Hillingdon of the West London Alliance Independent Fostering Agency framework. This report summarises the process undertaken in tendering this framework agreement and seeks approval to depart from the usual requirements of CSO 86(d) (ii) in relation to individual call-off contracts from the framework agreement.  
(Appendix referred to below)

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Pavey  
**Contact Officer:** Sara Williams, Interim Director  
of Children and Families  
Tel: 020 8937 3126 Sara Williams  
@brent.gov.uk

#### 8 Determination of the proposals to expand primary school place provision for September 2014 79 - 160

This report informs the Executive of the outcome of the statutory proposals to alter the following schools through permanent expansion from September 2014 and recommends that they be approved: Preston Park Primary School (Community) by one form of entry and Harlesden Primary School (Community) by two forms of entry.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Pavey  
**Contact Officer:** Sara Williams, Interim Director  
of Children and Families  
Tel: 020 8937 3126 Sara Williams  
@brent.gov.uk

### Regeneration and Major Projects reports

#### 9 HRA Asset Management Strategy 161 - 190

As a consequence of Housing finance reform in April 2012 the Council needs to set a long-term strategy to maximise the value and performance of the housing assets which are held within its Housing Revenue Account in order to best meet its housing priorities. A draft Asset Management Strategy has been prepared. This sets out a strategic framework for maintaining and developing the Council's housing assets.

**Ward Affected:**

**Lead Member:** Councillor McLennan

All Wards

**Contact Officer:** Andrew Donald, Director of  
Regeneration and Growth  
Tel: 020 8937 1049  
andrew.donald@brent.gov.uk

## **10 Supply and Demand**

191 -  
214

This report seeks Members' approval of the lettings projections for social housing for 2013/14. It also provides an analysis of housing supply and demand issues, including performance in 2012/13 and challenges for 2013/14 onwards. A number of recommendations are made in order to manage these challenges.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor McLennan  
**Contact Officer:** Laurence Coaker, Housing  
Needs Service  
Tel: 020 8937 2788  
laurence.coaker@brent.gov.uk

## **11 School Expansion Programme - temporary primary school expansion 2013/14 and Preston Manor School**

215 -  
234

In May 2013 the Executive received an update on the school expansion programme 2012-16 and approved proposals for the provision of temporary school places for the 2013/14 academic year. This report seeks approval to a revised proposal for the provision of temporary school places and approval to use council assets to deliver the proposal. In February 2011, the Executive was informed about existing covenants on Preston Manor school's land in relation to the expansion of that school to take primary aged children. The school, with support from the Council, appointed external legal advisors to seek amendments to the covenants through the Upper Tribunal. This report provides an update on progress and seeks authority to continue the Upper Tribunal process and/or alternative routes with the help of external legal advisors.  
*(Appendix referred to below)*

**Ward Affected:**  
All Wards

**Lead Member:** Councillors Crane and Pavey  
**Contact Officer:** Cheryl Painting, Property and  
Asset Management  
Tel: 020 8937 3227  
cheryl.painting@brent.gov.uk

## **12 Clement Close, former children's respite centre**

235 -  
250

This report sets out proposals to offer a combined development site for disposal, recommending Executive approval to proposals.

**Ward Affected:**  
Brondesbury

**Lead Member:** Councillor Crane  
**Contact Officer:** Fred Eastman, Property and

## Central Reports

### 13 Advice and Guidance Review 251 - 276

In January 2012 Executive agreed to create an Advice and Guidance Stream within the Voluntary Sector Initiative Fund out of the existing advice budgets and some of the larger grants in the Main Programme Grant which have been paid over a number of years. Executive extended existing arrangements to facilitate a review of present service provision with a view to medium term funding arrangements for the services. This paper sets out the review and findings. Future funding for advice and guidance is proposed to make the best use of the resource critical to the resilience of local communities as they adjust to change. The review has taken longer than anticipated due to a number of local issues identified when reviewing existing services, shifting local need and the changing national context affecting advice, particularly legal advice.

**Ward Affected:**

All Wards

**Lead Member:** Councillor Butt

**Contact Officer:** Joanna McCormick,

Partnership co-ordinator

Tel: 020 8937 1608

joanna.mccormick@brent.gov.uk

### 14 Capital Contribution to West London Waste Authority 277 - 284

In April 2013 the West London Waste Authority (WLWA) agreed to award preferred bidder status to a consortium of companies for construction of a waste treatment facility and the subsequent treatment of residual waste, following a procurement exercise. There is an opportunity for the constituent boroughs of WLWA to make a capital contribution towards the construction cost of the facility being built, in return for an annual interest payment from the WLWA.

*(Appendix referred to below)*

**Ward Affected:**

All Wards

**Lead Member:** Councillor R Moher

**Contact Officer:** Mick Bowden, Deputy Director of Finance

Tel: 020 8937 1460 mick.bowden@brent.gov.uk

### 15 Treasury Management Annual Report 2012/13 285 - 296

This report updates members on recent Treasury Management activity. The Council can confirm that it has complied with its Prudential Indicators for 2012/13. Details can be found in Appendix 1 to the report.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor R Moher  
**Contact Officer:** Mick Bowden, Deputy Director  
of Finance  
Tel: 020 8937 1460 mick.bowden@brent.gov.uk

**16 Performance and Finance 2012/13, quarter 4**

297 -  
342

The purpose of this report is to provide Members with a corporate overview of Finance and Performance information to support informed decision-making and manage performance effectively.  
(Appendix referred to below)

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Butt  
**Contact Officer:** Cathy Tyson, Strategy,  
Partnerships and Improvement  
Tel: 020 8937 1045 cathy.tyson@brent.gov.uk

**Adult and Social Care reports - none**

**17 Any other urgent business**

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

**18 Reference of item considered by Call in Overview and Scrutiny Committee (if any)**

**19 Exclusion of Press and Public**

The following item(s) is/are not for publication as it/they relate to the following category of exempt information as specified in the Local Government Act 1972 namely:

Information relating to the financial and business affairs of any particular person (including the authority):

- **Independent Fostering Agencies Framework Agreement**
- **School expansion programme – temporary primary expansion**
- **Performance and Finance 2012/13, quarter 4**
- **Capital Contribution to West London Waste Authority**

(Reports above relate)

**Date of the next meeting: Monday 19 August 2013**



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- The meeting room is accessible by lift and seats will be provided for members of the public on a first come, first served basis.

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE EXECUTIVE Monday 17 June 2013 at 7.00 pm

PRESENT: Councillor Butt (Chair), Councillor R Moher (Vice-Chair) and Councillors A Choudry, Crane, Denselow, Hirani, Mashari, McLennan, J Moher and Pavey

Also present: Councillors Cheese, S Choudhary and Hashmi

1. **Declarations of personal and prejudicial interests**

None declared.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 20 May 2013 be approved as an accurate record of the meeting.

3. **Matters arising**

None.

4. **Supporting Peoples Services - approval of award of contracts and contract extensions**

The report from the Directors of Adult Social Services and Regeneration and Major Projects requested authority for the extension of Supporting People contracts for a sheltered housing service and handyperson and accident prevention services and approval to the pre-tender considerations and criteria for a new procurement exercise. Councillor Hirani (Lead Member, Adults and Health) outlined the procurement process and advised it was being recommended that interim contracts be awarded to Elders Voice and Willow Housing.

RESOLVED:

- (i) that an exemption from the usual tendering and quotation requirements of Contract Standing Orders be agreed to allow the award of interim contracts for Supporting People funded Willow Sheltered Housing Service and Handyperson and Accident Prevention services to the incumbent providers, on the basis of good operational and financial reasons as set out in paragraphs 3.4 - 3.11 of the report from the Directors of Directors of Adult Social Services and Regeneration and Major Projects;

- (ii) that the award of an interim nine month contract be approved for Willow Sheltered Housing Service to Willow Housing Limited and a seven month contract for the Handyperson and Accident & Prevention service to Elder's Voice as outlined in Para 3.10 and 3.11 of the report;
- (iii) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders for a new Handyperson and Accident and Prevention Service and Sheltered Housing Service as set out in paragraphs 3.9 of the report;
- (iv) that approval be given for officers to invite expressions of interest, agree shortlists and invite tenders in accordance with the procurement timetable and evaluate them in accordance with the approved evaluation criteria referred to in (iii) above.

## **5. Procurement of information, advice and guidance provided in Children's Centres**

**Councillor Pavey (Lead Member, Children and Families) introduced the report which concerned the procurement of Information Advice and Guidance for families of children aged 0-5 attending Children's Centres in Brent. The report requested approval to invite tenders as required by Contract Standing Orders 88 and 89. The report also sought the Executive's approval of the project timetable and selection criteria for the procurement exercise. Councillor Pavey stressed the importance of the service in providing free advice to parents and carers with 1,208 assisted in 2012/13. The procurement process would take into account value for money and outcomes and the contract aimed to start in April 2014.**

**Members requested that in future, information on the types of service provided be made available.**

**RESOLVED:**

- (i) that the pre-tender considerations and the criteria to be used to evaluate tenders for an Information Advice and Guidance Service at Children's Centres as set out in paragraph 4.1 of the report from the Director of Children and Families be approved;
- (ii) that officers invite tenders and evaluate them in accordance with the approved evaluation criteria.

## **6. Introduction of a charge based regulatory advice service for businesses under the Primary Authority Scheme**

The report from the Director of Environment and Neighbourhood Services sought approval for the introduction of a Primary Authority Partnership (PAP) scheme in the London Borough of Brent and for the introduction of a charging system to increase the availability of advice and support to businesses, and especially Small and Medium sized Enterprises (SMEs), with provision of up to seven hours free advice and guidance on regulatory matters. It was thought that the proposals would reduce and simplify the regulatory burden on businesses entering into PAPs by ensuring that they can have confidence in applying the advice they have been

given nationwide with consistency of approach between different local enforcement agencies.

Councillor Mashari (Lead Member, Environment and Neighbourhoods) welcomed the proposals to offer SMEs free advice and for improved consistency on regulatory matters. The charges were to cover administrative costs and were considered to be relatively low. Councillor Butt (Chair, Leader of the Council) echoed the value of small businesses being able to get advice at an early stage of their venture.

**RESOLVED:**

- (i) that approval be given to the adoption of the Primary Authority Partnership scheme under the Regulatory Enforcement and Sanctions Act 2008 (RESA);
- (ii) that authority be delegated to the Director of Environment and Neighbourhood Services to enter into Primary Authority agreements with businesses and to request nomination of partnerships to the Better Regulation Delivery Office under the provisions of Section 25 of the Regulatory Enforcement and Sanctions Act 2008;
- (iii) that the council adopt a system of providing up to seven hours' regulatory advice for all businesses free of charge, and the introduction of a charge based scheme on a cost recovery basis for those that require more than seven hours' of advice as detailed in the report from the Director of Environment and Neighbourhood Services;
- (iv) that the council adopt the proposed hourly charging rates of £51.54 (Annual Contract) and £64.43 (Pay As you Go contract) and, thereafter, to increase these rates on an annual basis on 1 April each year by the annual change in the Retail Price Index (RPI) for January of the year concerned.

**7. Deputation - adoption of Revised Planning Design Guide for Barn Hill Conservation Area**

Robert Dunwell (Barn Hill Residents Association 2004) addressed the Executive and requested that consideration of the Barnhill Guide be deferred to allow time for further discussion, review and re-consultation. Mr Dunwell referred to what he considered to be procedural failures during the consideration of the Guide by the Planning Committee on 16 January and 17 April 2013, the submission of a supplementary report to the Planning Committee and subsequent changes made to the policy.

The Executive noted and thanked Mr Dunwell for his contribution.

**8. Adoption of Revised Planning Design Guides for Barn Hill Conservation Area and Queen's Park Conservation Area**

The review of Brent's Conservation Area Design Guides was being undertaken with the overall aim of producing up to date documents to give clear guidance primarily to residents on acceptable types of development. These documents have an important role in ensuring the special character of our conservation areas is

preserved and where possible enhanced. Revised Planning Design Guides for Barn Hill Conservation Area and Queen's Park Conservation Area have been produced.

In introducing the report from the Director of Regeneration and Major Projects Councillor Crane (Lead Member, Regeneration and Major Projects) reminded the Executive that design guides were the basis on which residents could obtain advice in advance of submitting a planning application. He referred to the endorsement of the guides by the Planning Committee on 16 January 2013 and the public consultation which had commenced on 28 January 2013. The report stated that general support for the revised Design Guide was an important factor in how effective they are and in both areas there was discussion with the Residents Association on the content of the Guides before local consultation with all local residents was undertaken. The Planning Committee on 17 April 2013 considered the consultation responses and the recommendations made to revise the documents where appropriate. The Committee endorsed these further changes and recommended that the final documents incorporating the recommended revisions be reported to Executive for adoption. Councillor Crane referred to the deputation earlier in the meeting from Robert Dunwell and observations he made over the Barn Hill Design Guide. Councillor Crane stated that he was satisfied that the consultation and decision making process had been adequate and satisfactory and recommended that the design guides be adopted.

Other members of the Executive welcomed the report and the Design Guides. Councillor Denselow was pleased to see reference specific reference to basement extensions and commended the consultation exercise that had been carried out in his ward, Queen's Park. In response to an enquiry from Councillor Mashari, Councillor Crane was pleased to advise that a programme of Design Guides would be rolled out to other areas around the borough. Councillor Pavey (ward councillor, Barnhill), contributed that having read through the Barn Hill Design Guide he was of the opinion that competing points of view and been taken into account and Councillor Butt concurred with this view.

The Executive agreed the report and appended design guides.

RESOLVED:

that approval be given to the adoption of the revised Planning Design Guides for the Barn Hill Conservation Area and the Queen's Park Conservation Area for development management purposes to guide the consideration of future planning applications in these areas.

## **9. Bridge Park redevelopment proposals**

The report from the Director of Regeneration and Major Projects referred to the need to bring Bridge Park Community Leisure Centre and associated buildings up to a reasonable standard and which would require significant investment funds for which were not currently available. It advised that the council has been in discussion with the owners of the adjoining Unisys site (General Mediterranean Holdings-GMH) and it was proposed to sell part of the Bridge Park site to GMH to fund the design and build of a completely new sports centre paid for out of the proceeds of residential and commercial development on the Unisys and on the Bridge Park sites. The report looked at a range of other development options and

uses for the Bridge Park site and recommended that the council entered into an agreement with GMH to redevelop the Bridge Park site.

Councillor Crane (Lead Member, Regeneration and Major Projects) advised that the council would have full control over the design and build of the sports centre, that options for the existing occupiers were being considered and also drew members' attention to the land sale agreement. Under the proposed arrangements the current sports centre would be able to remain open until the new facility was operational. Councillor Crane assured that the council would be consulting widely with residents, businesses and development partners. He commended the recommendations to the Executive.

Members welcomed the re-development proposals, particularly the opportunity to regenerate the Unisys site which was long awaited and also the extensive consultation that would take place. Members heard that the sports centre would be council run, open to the local community and that the previous covenant that had placed restrictions on the use of the site had been removed. Members drew attention to the nursery and church group currently operating from the site, the need for them to be involved in consultation at an early stage and for the nursery to be actively supported in their relocation. The Director of Regeneration and Major Projects advised that in terms of timescales, public consultation was planned to be completed by the end of July/August followed by dialogue with the parties involved and consideration of the finances involved. He assured that all interested parties would be consulted.

The Executive had before them an appendix to the report which was not for publication as it contained the following category of exempt information specified under Schedule 12A(3) of the Local Government Act 1972:

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

RESOLVED:

- (i) that the council pursue the option of GMH (and its subsidiary company) developing the Unisys and Bridge Park sites for residential and commercial development to fund a new Bridge Park sports centre;
- (ii) that agreement be given to the draft Heads of Terms as set out in appendix 3 of the report from the Director of Regeneration and Major Projects to form the basis of the detailed sale agreement between the council and GMH and instruct the Director of Regeneration to complete terms for a land sale between GMH, its subsidiary company and the council as set out in Appendix 3 subject to suitable parent company guarantees to the satisfaction of the council;
- (iii) that agreement be given to the making of a Compulsory Purchase Order (CPO) to acquire the freehold interest and other relevant legal interests of the Car Breakers site which for identification purposes is shown edged on the plan attached to this report at Appendix 1(a) ("the CPO Land") under Section 226(1)(a) of the Town and Country Planning Act 1990, to facilitate the carrying out of the redevelopment scheme ("the Scheme") and any new

rights in the CPO Land which may be required under section 13 of the Local Government (Miscellaneous Provisions) Act 1976;

- (iv) that approval be given to the submission of the CPO, once made, to the Secretary of State for confirmation, whilst the Council at the same time seek to acquire the land by private negotiated treaty, funded through funding from GMH under a separate agreement with the council;
- (v) that agreement be given to the making of one or more general vesting declaration(s) or service of Notice to Treat and Notice of Entry (as appropriate) pursuant to the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 respectively, should the CPO be confirmed, if determined by the Director of Regeneration and Major Projects on the advice of the Director of Legal and Procurement Services, as necessary in order to implement the CPO;
- (vi) that authority be delegated to the Director of Regeneration and Major Projects to undertake the following:
  - (1) Enter into agreements and make undertakings on behalf of the Council with the holders of interests in the CPO Land or parties otherwise affected by the Scheme setting out the terms for the withdrawal of their objections to the confirmation of the CPO, where such agreements are appropriate;
  - (2) Service of all requisite notices on the holders of the CPO Land including rights in the CPO Land relating to the making and confirmation of the CPO;
  - (3) Remove from the CPO any plot (or interest therein) no longer required to be acquired compulsorily for the Scheme to proceed and to amend the interests scheduled in the CPO (if so advised);
  - (4) To acquire land and/or new rights by agreement either in advance of the confirmation of compulsory purchase powers, if so advised, or following the confirmation of compulsory powers by the Secretary of State;
  - (5) To seek to acquire for the Council by agreement any interest in land wholly or partly within the limits of the CPO Land for which a blight notice has been validly served;
- (vii) that public consultation on the development proposals be undertaken with local residents, interest groups, users and tenants;
- (viii) that an architectural practice be procured to design the new sports and community centre and submit plans with Unisys;
- (ix) that approval be given to the procurement of a design and build contractor to build the new sports centre through an appropriate contractor/developer Framework or by way of an OJEU advertisement, or by the use of a design, build and operate contract;
- (x) that officers undertake public consultation on all four options for the sports centre.

## 10. **Borough Plan 2013-14**

The report from the Interim Chief Executive set out - through its attached appendix – a proposed revision of the Borough Plan for 2013/ 2014. The Plan and its detailed targets have been the subject of consultation with Executive Members and Partners since March 2013. The document built on previous versions of the Borough Plan and comprised a shared vision for the borough and the priorities for making sure that vision is achieved; the promises and specific outcomes on which the council would be concentrating over the period from April 2013 to December 2014. Christine Gilbert, Interim Chief Executive, advised that the revised plan took account of current priorities and would be submitted to Full Council for approval. She outlined the minor changes included in the Full Council report which were the result of continuing discussions. It was noted that the new Plan would run until December 2014 to allow time for a new plan to be drawn up by the Administration following the Local Elections in May 2014.

RESOLVED:

- (i) that agreement be given to the priorities and targets set out within the Brent Borough Plan 2013 – 2014;
- (ii) that the Borough Plan 2013 – 2014 (as amended) be referred to the June 2013 meeting of Full Council for agreement.

**11. Any other urgent business**

The Executive extended best wishes to Fiona Ledden (Borough Solicitor) following her recent accident.

**12. Reference of item considered by Call in Overview and Scrutiny Committee**

None.

The meeting ended at 7.45 pm

M BUTT  
Chair

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**Executive**  
15 July 2013

## **Report from the Strategic Director of Environment and Neighbourhood Services**

Wards Affected: ALL

### **Statutory consultation on proposed changes to parking tariffs, charges and permits**

#### **1.0 SUMMARY**

- 1.1 This report summarises the representations received from the statutory consultation process in relation to proposed changes for parking short stay on-street tariffs, permits, incentives for cashless parking and makes recommendations in relation to the issues arising.
- 1.2 In consideration of the consultation representations, this report recommends several changes in response to the issues and concerns that have been raised, including new arrangements to allow unused daily visitor scratch-cards to be exchanged for electronic visitor passes, and transitional enforcement arrangements in respect of scratch-cards that are mistakenly used after they cease to be valid on 31 October 2013.
- 1.3 The report makes no recommendation in respect of the earlier agreement to reduce on-street parking tariffs, move to a linear charging model and introduce a very low charge for parkers staying less than 15 minutes, in consequence of the absence of any adverse comments about this from the consultation process.
- 1.4 The report also outlines issues remaining that arise from the changes agreed by the Executive on 19<sup>th</sup> September 2012, such as the new unified business permit, suspensions and dispensations and seeks delegated powers in respect of a few remaining matters.

#### **2.0 RECOMMENDATIONS**

##### **2.1 Members are asked to:**

- 2.1.1 To consider the petition and representations received in relation to the notices of proposals dated 9<sup>th</sup> May 2013 and summarised in section 4 and Appendix A of this report.

- 2.1.2 To approve the retention of longstanding day-long visitor parking duration, from the four hours agreed by the Executive on 12 September 2012, as described in paragraph 4.3 of this report.
- 2.1.3 To approve a new visitor parking price tariff as described in paragraph 4.3.5.
- 2.1.4 To approve the extension of the validity of a Wembley Stadium Protective Parking Scheme residents' permit and Brentfield Road zone T from the two years agreed by the Executive on 12 September 2012 to three years, as described in section 4.4 and 4.7.2 of this report.
- 2.1.5 To approve the extension of the maximum duration of virtual visitor passes in the Wembley Stadium Protective Parking Scheme from the four hours agreed by the Executive on 12 September 2012 to one calendar day, as described in section 4.5 of this report.
- 2.1.6 To approve the extension of the maximum duration of virtual visitor passes in the Brentfield Road zone T from the four hours agreed by the Executive on 12 September 2012 to 24 hours, as described in section 4.7.2 of this report.
- 2.1.6 To approve tariff for virtual visitor passes in the Wembley Stadium Protective Parking Scheme and Brentfield Road zone T from the £1 agreed by the Executive on 12 September 2012 to 50p and to continue the longstanding limit of two visitor simultaneous parking passes per household, as described in section 4.5 and 4.7 of this report.
- 2.1.7 To approve the arrangements for exchanging unused scratch-cards and for easing enforcement in the period immediately after 31 October 2013, when they will become invalid as set out in section 5 of this report, including granting delegated authority to the Strategic Director of Environment and Neighbourhoods as regards the detailed arrangements for timing and implementation.
- 2.1.8 To delegate authority to the Strategic Director of Environment and Neighbourhood Service to establish and implement temporary mitigation measures for carers of people that would be eligible for the new cared-for persons' permit, until such time as that permit is formally launched as set out in paragraph 5.13.
- 2.1.9 To proceed to implement the remaining parking tariffs and pricing and product changes agreed by the Executive on 19<sup>th</sup> September 2012 where they are unaffected by the representations made and considered within this report.

### **3.0 STATUTORY CONSULTATION OUTCOME**

- 3.1 On 19<sup>th</sup> September 2012, the Executive agreed a number of recommended changes to the range of parking permit products and prices available. Initial price changes agreed for permits in relation to the financial years 2012/13 and 2013/14 were implemented on 7<sup>th</sup> January 2013 and 2<sup>nd</sup> April 2013 following notices of variation made on 6<sup>th</sup> December 2012 and 7<sup>th</sup> March 2013 respectively.
- 3.2 At the same Executive meeting, other price and product changes were agreed. Formal statutory public consultations in respect of these matters have now been undertaken and this report examines the representations received and makes recommendations in response.

- 3.3 The statutory consultation process comprised the publication of notices in the Wembley Observer, Brent and Kilburn Times and the London Gazette, plus consultation with statutory consultees (principally the emergency services). The process followed accords with the requirements of the Road Traffic Regulation Act 1984 and Road Traffic Act 1991, as amended.
- 3.4 Representations were permitted by post and e-mail. The statutory consultation period was between 9<sup>th</sup> and 30<sup>th</sup> May 2013.
- 3.5 Recommendations relating to parking suspensions and dispensations that were also agreed at the September 2012 Executive meeting have not yet been the subject of a consultation period and business permits are currently the subject of an unexpired statutory consultation period. The outcome of these consultations will be the subject of a further report.

#### **4.0 CONSULTATION RESPONSES RECEIVED**

- 4.1 Five individual representations and a petition comprising in excess of 450 signatures was received. All the issues have been fully considered by Officers. One response was received from a statutory consultee indicating that they had no comment to make.
- 4.2 Details of comments submitted are set out in Appendix A together with the officer response. Those consultation contributions that have resulted in an adjusted recommendation are also discussed below.

##### **CPZ visitor parking**

- 4.3.1 Comments have been received arguing that the earlier agreed recommendation to move from all-day visitor parking, to a virtual pass with a four hour limit, should not proceed as it will cause additional inconvenience and cost, especially in CPZs with longer restricted hours. The proposal to move from annual visitor passes and daily scratch-cards to four hour virtual visitor passes was intended to tackle abuse of the annual visitor pass, tackle commuter parking through a less than all day scheme and bring pricing closer to that of neighbouring boroughs by reducing available time for the same price. It was further agreed that higher prices be imposed for customers that wish to pay by credit card or cash, to reflect that additional processing costs as opposed debit card payments.
- 4.3.2 Several customers have raised concerns about the inconvenience of moving away from a minimum daily period for visitor parking, especially for visitors that are staying for a few days. In contrast no comments have been made about problems arising from inappropriate use of visitor parking by commuters, even though officers have come across such cases.

#### 4.3.3 It is useful to compare with neighbouring boroughs...

Borough	All day rate (£'s)	Notes
Brent	1.00	No concessions
Harrow	1.56	Concessions apply
Barnet	4.16	£2.20 half day. Max 200 sessions p.a.
Ealing	4.50	60p per hour option
Camden	6.30	90p per hour option. 50% elderly concession
Hammersmith & Fulham	No all day rate	£1.80 per hour. 50% disabled concession
Kensington & Chelsea	No visitor parking	Pay and display used by visitors

Brent has by far the cheapest visitor parking scheme, and that several boroughs continue to offer all day visitor parking. Some boroughs offer a variety of periods or concessions.

4.3.4 Since the original proposals were agreed in 2012, it now seems clear that technology will better prevent the sale (or subsequent transfer) of visitor parking to potential commuter parkers. Furthermore, information from visitor parking will help the Council to identify potential commuter use too. It is therefore no longer necessary to restrict parking length as a control against commuter parking. This would enable the all day option to be retained as requested. However, the price of visitor parking in the both scratch-card, CPZ visitor household permit have remained unchanged for several years.

4.3.5 It is therefore recommended that virtual visitor parking passes have day-long duration, and be priced lower than all neighbouring boroughs at £1.50 per calendar day effective from the first day that scratch-cards become invalid for use, namely 1 November 2013. It is further recommended that from April 2015, that prices are subject to annual April RPI inflation rises as set out in paragraph 4.7 of the previously agreed Parking Simplification and Pricing Executive report of September 2012.

4.3.6 A differential pricing scheme for visitor parking is not recommended in mitigation of older people who do not have a vehicle / internet / mobile phone access, and want to receive visitors.

4.3.7 The longstanding scratch-card scheme has no concessionary rates and the introduction of concessionary rates is not recommended, because:

- disabled drivers already have very advantageous / free parking through the national Blue Badge scheme;
- Brent's proposed core visitor parking tariffs are much lower in price than concessionary rates in neighbouring boroughs; and
- Concessionary rates require eligibility assessment, which introduces significant cost and delay to the application process.

#### **Wembley Stadium Protective Parking Scheme (WSPPS) residents' permits**

4.4.1 Comments have been received arguing that the Wembley Event permits had been originally issued at no cost to the respective applicants at that time and at no cost thereafter and therefore the proposal for replacement with fixed length permits each carrying a fee was unfair.

- 4.4.2 The purpose of the WSPPS is solely to protect local businesses, residents and their visitors, so that they can go about their business unaffected by the influx of stadium drivers on event days, and that this is done at minimum cost. Several years into the Wembley Event Protective Parking Scheme, the problems caused by the improper use of non-expired permits are becoming increasingly apparent. The Council has received reports of non-expiring event day permits that are continuing to be in circulation and use, despite the original users having moved away. Monitoring Officers have discovered cases of visitor permits and scratch-cards reserved for local people, being sold at highly inflated prices (£10 for a £1 scratch-card) on commercial websites to stadium users.
- 4.4.3 In response, the September 2012, the Executive agreed new permits of 2 years duration subject to a £15 fee to cover the costs of administration.
- 4.4.4 Following reconsideration, officers still consider that expiring permits are essential to ensure that the protection for local residents and businesses is not eroded by use of permits issued to vehicles or individuals that are no longer based within the local area. However, upon review, it is now considered that no discernible reduction in control of this problem, could be achieved through longer expiring permits. It is therefore recommended that new Wembley Event permits have a valid life of three years rather than two, and that the proposed £15 fee be applied unchanged to this longer period.

#### **Wembley Stadium Protective Parking Scheme (WSPPS) visitor permits**

- 4.5.1 It has also been argued that the proposed move away from annual visitor permits to sessional virtual visitor passes with a duration which is the same for routine CPZs and for the WSPPS, is a disproportionate response to the unique challenges arising from the National Stadium.
- 4.5.2 After consideration of the issues put forward, this argument is accepted. National Stadium events presents problems of intense, but occasional parking from users. It does not face the challenge of significant commuter parking on event days too. The key control for the WSPPS is controlling the availability of passes, whereas the challenge of commuter parking is a combination of parking pass length and eligibility. It is therefore recommended that the virtual visitor passes for WSPPS be extended to a full calendar days duration, and that the longstanding limit of two visitor simultaneous parking permits per household be retained.
- 4.5.3 It has also been argued that the introduction of a £1 fee for WSPPS visitor parking is inappropriate given the special intention of the original WSPPS scheme, to protect residents, businesses and their visitors on event days only. Following further detailed reconsideration, this argument is accepted. However, the significant advantages to residents from moving to a virtual system that is likely to largely defeat widespread and inappropriate use of paper-based WSPPS permits and passes, also carries a significant transactional and processing cost. It is therefore recommended that the all day WSPPS visitor permit be priced at 50 pence and not be subject to annual RPI inflationary increases. This is a third of the cost of similar all-day visitor passes in CPZs.

#### **Short-stay parking linear pricing**

- 4.6.1 In respect of the proposal to reduce the cost of short-stay on-street parking through a £2 per hour linear tariff and an initial short-stay even lower charge of 20p for 15 minutes, no comments were received from members of the public. Silence on this

proposal might reasonably be taken as broad agreement to a proposal to reduce tariffs.

- 4.6.2 However, two internal comments were received and these will be responded to by officers using delegated powers. Neither comment warrant any change to the Executive's earlier decision to change short-stay tariffs and arrangements.

#### **Temple CPZ zone**

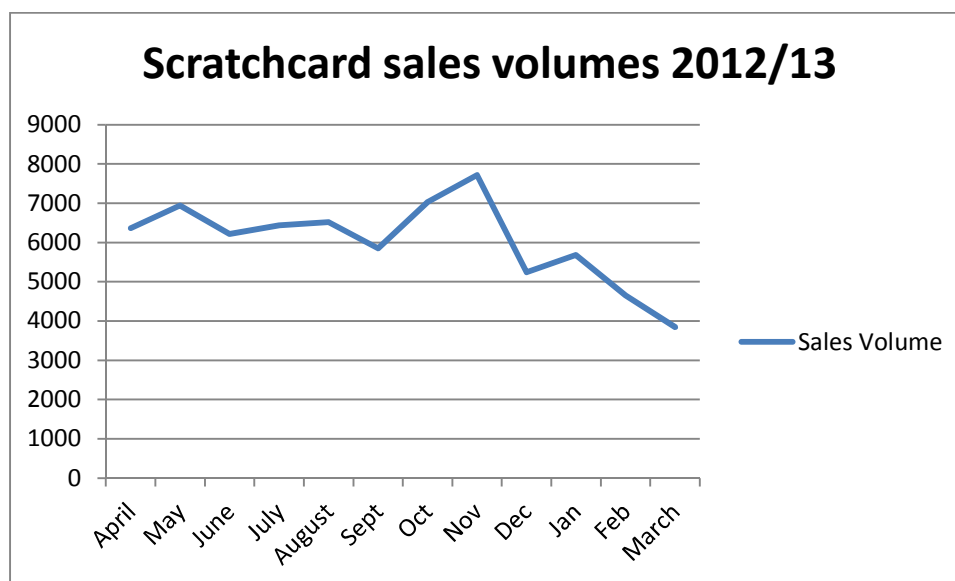
- 4.7.1 The Brentfield Road T zone CPZ has parking controls at all times, i.e. 24/7, weekends and every Bank Holiday too, as a consequence of being a neighbour to the BAPS Shri Swaminarayan Mandir – the largest Hindu Temple outside India. The light touch permitting arrangements and pricing are similar to those in place for the WSPPS, and therefore the arguments about inconvenience and cost put forward in response to the consultation for Wembley Events largely apply to the Temple zone too.
- 4.7.2 It is therefore recommended that Residents' Temple zone permits have a valid life of three years rather than two, and that the proposed £15 fee be applied unchanged to this longer period, and Temple visitor parking be by virtual passes priced at 50 pence and not be subject to annual RPI inflationary increases with a duration of 24 hours. The longstanding limit on a maximum number of visitors per household is retained.
- 4.7.3 It should be noted that the key difference in the recommendations between the Temple zone and WSPPS is the duration of visitors parking due to the difference in controlled hours. Thus WSPPS is recommended as being one calendar day, whereas the Temple zone is recommended as being 24 hours in duration.

### **5.0 VISITOR PERMITS – SCRATCH CARDS**

- 5.1 On 19<sup>th</sup> September 2012, the Executive agreed that both the new virtual visitor passes and visitor scratch-cards should operate in parallel and that the sale of scratch-cards should cease soon after the online alternative was available and operating successfully. It was further agreed that customers would be able to use the remaining scratch-cards until 31 October 2013. Since November 2012, scratch-cards have been sold with an expiry date of 31<sup>st</sup> October 2013. 724,870 scratch-cards were sold in 2012/13.
- 5.2 Physical all-day visitor permits for controlled parking zones (scratch-cards) were sold at Parking Shops until the final Parking Shop closed on 24<sup>th</sup> May 2013. A Traffic Management Order for the cessation of these with effect from 31<sup>st</sup> October 2013 was made on 19<sup>th</sup> November 2012.



- 5.3 Based upon the 2012/13 sales profile, scratch-card sales peak during October and November as shown in the chart below:



- 5.4 It is not possible to determine how many unused scratch-cards are in circulation. However, we know between 18<sup>th</sup> February 2013 when the new permit system arrangements commenced and 9<sup>th</sup> April 2013, 5,770 scratch card books were sold to 2,901 customers. This equates to approximately 2 books purchased on average per customer. We also know that around 750,000 are sold each year.
- 5.5 There is a need for an exchange scheme for unused scratch-cards from the customer's perspective and an operational need to shorten the residual time that scratch cards are used in parallel with its virtual replacement. We also need to reduce the number of scratch cards in use to accelerate the move to the new lower cost enforcement model. It is therefore recommended to offer an exchange scheme for all unused scratch-cards.
- 5.6 Scratch-cards were sold on the basis of all day parking, so the exchange should be on a similar basis. If Members agree the above proposal that future virtual visitor permits should be of a days duration (rather than the 4 hours agreed at the September 2012 Executive) then it is proposed that the following exchange scheme be offered:
- One virtual visitor passes for every scratch card exchanged.
- 5.7 It is further proposed to incentivise customers to exchange unused scratch-cards promptly and before they cease to be valid. Therefore it is proposed that an additional incentive be offered for exchange before 31 October 2013, as follows:
- Eleven virtual visitor passes for every 10 scratch-cards exchanged.

This will have the effect of giving a 'free' days visitor parking for every book of scratch-cards exchanged before scratch-cards cease to be valid.

- 5.8 It will be important that the exchange scheme operates effectively and fairly, but also that it is successful in achieving the exchange of as many scratch-cards as possible. Therefore it is recommended that decisions about the start and end date of the exchange period and the smaller incentivised exchange offer, be delegated to the Strategic Director of Environment and Neighbourhoods to determine following consultation with the parking contractor.

- 5.10 It is however intended that the exchange commences before the scratch-card expiry date of 31<sup>st</sup> October 2013. Prioritisation of the mobilisation of the new contract from 4<sup>th</sup> July 2013, and prioritisation of implementation of the pay and display tariff reductions, mean that the exchange scheme is unlikely to start before late Summer 2013.
- 5.11 The exchange process will be publicised in:
- The Brent Magazine;
  - Permit reminder letters;
  - Emails to customers registered on the online permit system;
  - Posters at the new car pound, Brent Council libraries and Customer Service locations;
  - Brent Connects meetings.
- 5.12 If the exchange process is agreed, the precise arrangements for its administration and resourcing will be finalised by officers.
- 5.13 After 31<sup>st</sup> October 2013, any visitor parking using a scratch card, would be unauthorised and at risk of receiving a Penalty Charge Notice (PCN). Whilst the Council will have given very extensive notice of this possibility and offered advantageous exchange arrangements, a driver who had displayed a previously paid visitor permit and would feel aggrieved that they had still received a PCN. It is therefore intended to implement an interim enforcement arrangement to mitigate this. This might perhaps mean the affixing of an informal warning on the vehicle advising the driver that they will receive a PCN next time, or alternative arrangements intended to have a similar interim easing effect. For reasons similar to those described at 5.8 above, it is recommended that authority to establish interim enforcement arrangements be delegated to the Strategic Director of Environment and Neighbourhoods to determine and implement.
- 5.14 It is further proposed that the exchange scheme cease in the last full working week of 2013, this gives a last exchange date of 20 December 2012.
- 5.15 Several customers have contended that the changes to a virtual visitor parking scheme will disadvantage older people, because of the lower internet and smart phone use within that group. The key mitigation for this issue is the provision of a landline telephone service, the ability to call down visitor parking by landline or by the simplest mobile phone, and for older people to ill or frail to even use the telephone through the introduction of a new cared-for permit. Despite repeated attempts, officers have been unable to identify any potentially affected person who is unable to make use of the mitigations who would not be entitled to a cared-for permit.
- 5.16 However, it seems likely that for persons eligible for the cared-for permit, that there is the possibility that supplies of scratch-cards could be depleted before the statutory formalities of a cared-for permit have been completed and the permit formally launched. It is therefore recommended that authority to establish interim parking arrangement for carers in the interim period be delegated to the Strategic Director of Environment and Neighbourhoods to determine and temporarily implement.



## 6.0 FINANCIAL IMPLICATIONS

- 6.1 The financial implications arising from this report are very difficult to determine due to the wide number of uncertainties. We do not know the number of unused scratch-cards in circulation (para 5.4), we do not know the unit costs of administering an exchange scheme (para 5.8) and we do not yet know the practicalities of any interim enforcement mitigations (para 5.13).
- 6.2 Based on the assumptions in para 5.4 we might assume a maximum of 36,000 customers potentially have unused scratch-cards. Using an estimated unit cost of £2.50 per customer transaction from our previous contractor (who will not administer the exchange scheme), we have modelled an exchange cost of up to £137,000.
- 6.3 Table 1 below sets out how these costs have been determined. All figures rounded to nearest thousand.

% customers returning scratch-cards	Est. volume of exchanges	Est. transaction cost (£2.50 unit price)	Est. postal costs	Est. stationery costs (£250 per 1000)	Total (£'000s)
100%	36,00	£91,000	£37,000	£9,000	£137,000
80%	29,000	£73,000	£29,000	£8,000	£110,000
60%	22,000	£55,000	£22,000	£6,000	£83,000
40%	15,000	£36,000	£15,000	£4,000	£55,000
20%	7,000	£18,000	£7,000	£2,000	£27,000

- 6.4 It is anticipated that there may also be additional contract costs to the Council payable to the new Council Contractor (i.e. Serco) in terms of dual running of a virtual permit system and a physical permit system although the precise nature of these will need to be determined and quantified in negotiations with Serco soon after they assume responsibility for the parking contract on 4<sup>th</sup> July 2013.
- 6.5 Due to the high degree of uncertainty described at paragraph 6.1 above, together with the substantial difficulties in predicting driver behaviour as a result of these changes – both intended behaviour change, and unforeseen behaviour change – the September 2012 Executive report made a neutral financial assumptions about the impact of changes arising from CPZ visitor parking or WSPPS / Temple changes. As the recommendations in this report are likely to have a smaller revenue benefit than the original September 2012 recommendations, no adjustments are needed.

## 7.0 LEGAL IMPLICATIONS

- 7.1 The Council has a statutory duty to publicise proposed changes to its parking tariffs, charges and permits in accordance with the Road Traffic Regulation Act 1974 as amended and the Road Traffic Act 1991. This was conducted by publishing the relevant notices of the proposals on 9<sup>th</sup> May 2013 in the Wembley Observer, the Brent and Kilburn Times and the London Gazette. Additionally, the following organisations were sent details of the consultation.
- 7.2 The notice provided for a period of 21 days for representations to be made either in writing or by email.

- 7.3 The draft Traffic Management Orders (TMO's) relating to the proposals are and remain available for inspection at the Civic Centre.
- 7.4 In relation to any unused scratch-cards held by customers at 31<sup>st</sup> October 2013 and purchased for visitor parking, any decision to treat these as invalid or to provide a means of exchange should give due consideration and regard to the following:
- 7.4.1 It must not be irrational;
  - 7.4.2 It must not be unreasonable (i.e. a decision that no reasonable Council / Parking Authority would have made);
  - 7.4.3 It must not be procedurally improper (i.e. there is a duty to act fairly and in accordance with natural justice);
  - 7.4.4 It must not be in breach of a legitimate expectation on the purchaser's part when they purchased the scratch-card.
- 7.5 It would be more 'rational' and 'reasonable' to offer an exchange for each unused scratch-card book at the cessation date of 31<sup>st</sup> October 2013 than for the Council to treat these as invalid.
- 7.6 Any proposed window of opportunity for exchanging unused scratch-cards should not cease prior to 31<sup>st</sup> October 2013 in order to avoid breaching the legitimate expectations of those who purchased the scratch-card books.
- 7.7 Additional to the public law considerations, there may also be private law issues regarding the scratch-cards sale contract that should be considered.
- 7.8 Any proposed scratch-card exchange arrangements should offer at least an equivalent period of time to that purchased under the existing scheme and for which the exchange is sought.
- 7.9 It is unreasonable to expect a customer to incur postage costs to recover the price of an unused scratch card, particularly if there was no way for them to avoid the postage charge by attending in person.
- 7.10 The terms and conditions under which scratch cards were sold stated that 'No refund will be given for any unused and / or expired scratch card'. This refers to instances where a customer may decide that they do not need visitor parking anymore and would not be reasonable for the Council to rely on this clause in terms of unused scratch-cards after 31<sup>st</sup> October 2013.
- 7.11 Members must also consider the duty in relation to the Equality Act 2010, most specifically the public sector equality duty set out at Section 149. This requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.
- 7.12 A 'protected characteristic' is defined in the Act as:
- age;
  - disability;
  - gender reassignment;

- pregnancy and maternity;
- race;(including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

- 7.13 Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.
- 7.14 Having due regard to the need to 'advance equality of opportunity' between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimize disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and encourage those who have a protected characteristic to participate in public life.
- 7.15 The steps involved in meeting the needs of disabled persons include steps to take account of the persons' disabilities. Having due regard to 'fostering good relations' involves having due regard to the need to tackle prejudice and promote understanding.
- 7.16 Complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law.
- 7.17 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission but no such guidance has yet been published. However, the Equality and Human Rights Commission has published its own guidance on the new public sector equality duty and the advice set out to members in this report is consistent with this guidance.
- 7.18 The equality duty arises where the Council is deciding how to exercise its functions regarding parking matters. The council's duty under Section 149 of the Act is to have 'due regard' to the matters set out in relation to equalities when considering and making decisions on ways in which the service users pay for parking services. Accordingly due regard to the need to eliminate discrimination, advance equality, and foster good relations must form an integral part of the decision making process. Members must consider the effect that implementing a particular policy will have in relation to equality before making a decision.
- 7.19 There is no prescribed manner in which the equality duty must be exercised. However, the Council must have an adequate evidence base for its decision making. This can be achieved by means including engagement with the public and interest groups, and by gathering details and statistics on who uses the service and how the service is used. The potential equality impact of the proposed changes to the parking service has previously been assessed and reported to the Executive with changes made to the design requirements for the proposals where a potential adverse impact has been identified.
- 7.20 Where it is apparent from the analysis of the information that the policy would have an adverse effect on equality then adjustments should be made to avoid that effect.
- 7.21 Members should be aware that the duty is not to achieve the objectives or take the steps set out in s.149. Rather, the duty on public authorities is to bring these important objectives relating to discrimination into consideration when carrying out its public functions. "Due

regard” means the regard that is appropriate in all the particular circumstances in which the authority is carrying out its functions.

7.22 At the same time, Members must also pay regard to any countervailing factors, which it is proper and reasonable for them to consider. Budgetary pressures, economics and practical factors will often be important.

7.23 The weight of these countervailing factors in the decision making process is a matter for members in the first instance.

## **8.0 DIVERSITY IMPLICATIONS**

8.1 The Parking Service has previously reported the potential impact of proposed plans on customers and residents who use or who may use its service and the measures that would be used to mitigate the changes. These included the provision of a telephone service and cash payments as measures to mitigate the negative impacts identified in relation to the original proposal following customer feedback obtained.

8.2 The potential for adverse impact was evaluated regarding the original proposal as follows:

- Difficulties using the new system for customers without access to a computer or the Internet or with limited or no experience of using the Internet. This may adversely affect older residents, disabled residents, residents from an ethnic minority and residents of a lower socio-economic status disproportionately more than others.
- Difficulties using the new system for customers without a credit or debit card and therefore needing to pay by cash. This may adversely affect older residents, some residents from an ethnic minority and residents of a lower socio-economic status disproportionately more than others.

8.3 Detailed mitigation was duly considered for the adverse impacts identified and incorporated within the design for the new service including the option to apply for and pay for parking products using the telephone in addition to using the Internet, the provision for access to computers in Brent Council libraries and Customer Services and the option to pay for parking products using cash.

8.4 Officers advise that, with regard to the process of buying and obtaining parking permits the potential adverse impact on a small group of residents which is not completely mitigated by the steps detailed above is justified by the benefits of the project, and the tight financial constraints the Council is operating within.

8.5 An additional mitigation in respect of older people is discussed at paragraph 5.14, and a further temporary mitigation is recommended for adoption at paragraph 2.1.7.

8.5 Officers propose to arrange meetings with representatives from key stakeholder groups within the community regarding access to the proposed service arrangements prior to implementation in order to ensure that accessibility and understanding of the arrangements are effectively communicated.

8.6 Additionally, the Brent Magazine is also intended to be used to communicate the proposed changes and timescales and to supplement other publicity and communications.

## **9.0 STAFFING / ACCOMMODATION IMPLICATIONS**

9.1 There are no staffing implications for Council staff.

9.2 There may be implications for staff employed by the Council's recently appointed Contractor (i.e. Serco) who commenced operations on 4<sup>th</sup> July 2013 who will need to design, implement and enforce the new processes necessary for the effective implementation of the changes.

## **10.0 Property Implications**

10.1 There are no Council property implications arising from this report.

## **BACKGROUND PAPERS**

Executive Report dated 23<sup>rd</sup> April 2012

Executive Report dated 19<sup>th</sup> September 2012

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## **Appendix A – Representations received analysis**

### **Petition summary**

The petition was primarily from residents affected by proposed changes to Wembley Event Day permits arrangements. It has not been possible to determine whether all of the respondents are bona-fide residents and / or businesses within the Borough, whether they live within CPZ areas or even whether they own or have access to a vehicle. Nevertheless, it is appropriate to take all representations received into account, recognising that the proposals could have a wide ranging impact.

There are approximately 43,800 Wembley Event Day Permits currently in circulation. In that the petition has been signed by a number of residents at the same address and may have been signed by residents outside the CPZ areas, it is difficult to undertake a precise analysis of the volumes. However, it is estimated that taking into account the petitioners, representations have been received from approximately 1% of the Wembley Event Day permit population.

Of the representations received, the principal reasons for these may be summarised as shown below with the number of representations received for each reason being shown in brackets.

- Insufficient consultation (450+)
- Visitor permit costs and restrictions (450+)
- Proposals unclear (450+)
- Price increase is too high (3)
- Limited access to online systems (3)
- Proposed removal of payment by cheque (2)
- Negative impact on quality of life (1)
- Changes would breach original agreements (1)
- Penalisation of those without bank accounts (1)
- Pay and display charging methodology for cashless payment incentive (1)
- Essential User Permit payment methods (1)
- Visitor permit should remain 'All Day' at lower price (1)

It should be noted that more than one representation reason was received in some cases from respondents, hence the reason why the number of representation reasons does not reconcile with the actual number of representations received.

### **Specific consultation submissions**

#### **Consultation comment 1**

*"Having read in the 'QPARA News' the outlines of the proposed changes to residential parking in Queen's Park, I wish to request that the all-day visitor pass (in whatever form becomes standard phone, email, etc) continues to be available (at an adjusted price, say £2.50)."*

#### **Officer response**

This is agreed, albeit at a lower cost than suggested. See section graph 4.3 of the main report.

### Consultation comment 2

*"In relation to pay and display issues, the hourly charge is to be advertised in Traffic Management Orders and on the machines themselves. I would be interested to hear the arrangements for displaying two tariffs, one for cash and one for other methods of payment and the reasons for charging for a cash payment."*

### Officer response

Cash payments for parking are generally more expensive than other means of payment such as debit and credit card, direct debit, and online payments. In particular, staffing resources required to empty machines and security arrangements for banking cash incur greater cost than other non-cash means. In 2012 the costs were calculated as being 49p per coin transaction and 20p per cashless transaction. The tariffs will be displayed on each machine and on the Council's website in accordance with statutory requirements.

It is not recommended that this should change.

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### Consultation comment 3

*"In relation to the daily Essential User Permits that are to be purchased using a credit or debit card, it was understood that departments would have account access to the system otherwise Council officers may for example be expected to work for the Council carrying out statutory duties without timely reimbursement for expenditure incurred."*

### Officer response

The new virtual daily replacement for annual Essential User Permits, will use the same technology as for virtual visitor passes. Payment will be taken at the time of booking using a debit or credit card. Where authorised to do so by their employer, eligible drivers would associate their account to their employers means of making electronic payments. Within the Council this means, the services' Government Payment Card.

It is not recommended that this should change.

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### Consultation comment 4

*"Overall the amendments disadvantage those without easy internet access (including those who may have access to the internet but do not have the experience or confidence to carry out transactions)."*

*Recent National Statistics (Internet Access Quarterly Update, Q1 2013, published 15 May 2013) show that one in nine (11.5%) of residents in West and North West Outer London have never used the internet. For Brent this is equivalent to around 30,000 residents. Non-internet users are disproportionately concentrated among the old (over a third of people aged 65 and more have never used the internet) and among lower income groups.*

*It is not adequate to suggest that self-service computers at libraries or the Civic Centre overcome these issues. People who have never used the internet are unlikely to feel confident enough to learn how to use the internet and carry out a parking transaction in a single visit, especially under pressure of time if other users are waiting to use the terminals. The closure of libraries in Brent also means fewer people have easy access to a local library.*



*The experience of residents who have been unable to get through to apply for permits by phone demonstrates that carrying out transactions by telephone is not a fully acceptable alternative.”*

Officer response

The provision of a telephone service for customers to make applications and renewals of their permits was intended to ensure accessibility of the service to customers without computers and Internet access or experience of using the Internet. A combination of high initial demand as customers need help to set up the new arrangements, and very temporary physical limitations on scope for increasing telephone capacity, have caused problems for some customers. These issues will shortly be addressed as the new parking contractor has considerably greater scope for provision of additional phone capacity to expand in line with customer demand. Additionally, new self-service facilities within the Civic Centre and the bigger Wembley library service will further facilitate customer access.

It is not recommended that this should change.

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Consultation comment 5

*“Amendment (a) unfairly penalises those without bank accounts (who are disproportionately represented among low-income groups and people of south Asian heritage) by imposing an unreasonable 50p surcharge. The flat-rate nature of the surcharge means that short-term parkers are especially affected.”*

Officer response

Nowadays it is very difficult to own and run a car on a cash basis. There are virtually no high-street insurance brokers and almost all insurance is offered on a call centre or website model. The use of price differential to incentivise customers of paid-for public services is widespread across London by virtue of the Oyster card model, which does not seem to have significantly disadvantaged any particular ethnic group. It is also thought that for every potentially disadvantaged person of south Asian heritage, there will be many more people of the same heritage that will benefit through the removal of the longstanding 20p supplement for paying electronically.

It is not recommended that this should change.

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Consultation comment 6

*“The flat rate increase implemented by amendment (d) is excessive and the discount structure unfairly penalises those without access to or experience of the internet. This disproportionality affects older people and low income groups.”*

Officer response

This amendment relates to the proposed base rate increase of permits by £50 with cumulative discounts for the following transactions – (i) on-line: £25; (ii) telephone: £5 (£25 for cared-for permits); **plus** (iii) debit card: £25; or (iv) credit card: £20. This is intended to account for avoidable costs incurred through telephone transactions or through higher vendor transaction fees for credit card payments.

Experience with other areas of service indicate that price differentials do not cause access difficulties for those without access to the internet, telephones or debit cards, as the financial incentive is sufficient to make it worth their while to either obtain internet access at home, visit a public access point where help is at hand, or find a relative, neighbour, friend



or carer to do so on their behalf. Furthermore, section 4.3 sets-out a mitigation that no pricing differential be applied in the case of visitor passes as a mitigation in respect of elderly people that receive visitors, but do not have a car, internet or mobile phone.

It is not recommended that this proposal should change.

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#### Consultation comment 7

*"The on-line visitor permits introduced in amendment (j) can only be applied for in advance if the householder knows the registration number of the visitor's vehicle. Clearly this is something that the householder may not know, especially when buying a permit for a builder or other tradesperson. This is a flaw in the system that needs to be overcome."*

#### Officer response

The scratch card system requires the user to write the registration mark (VRM) of the vehicle on the scratch card. This will often not be known until the visitor arrives, and therefore the new virtual arrangement is almost identical in requiring the VRM to be recorded, but having sufficient flexibility if the VRM is not known until the visitor arrives. The online visitor permit can be purchased in advance by virtue of the householder requesting the visitor's vehicle registration number in advance.

It is not recommended that this proposal should change.

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#### Consultation comment 8

*"Despite the decline in use of cheque they are still an important means of payment for many residents and importantly can be used by people who do not have credit cards and who are unable to or find it difficult to carry out electronic or telephone transactions. The cost of cheque processing will decline anyway over time because of the decline in use and there is no good reason to prevent residents who rely on this form of payment from using it (especially as the Council will continue to process cheques for other payments including penalty charges). I therefore object to amendment (n)."*

#### Officer response

This representation relates to the proposed withdrawal of payment for parking services by cheque except for penalty charge notices, for which different statutory arrangements apply. Cheques are increasingly costly to process, as they require a great deal of manual processing and occasionally bounce. The additional administration costs incurred in cancelling permits in the event of a default in payment make this method of payment more costly and administratively complex to manage. Cheques are not legal tender and the cheque guarantee scheme that banks previously operated, has been completely withdrawn. The Council is realising a very substantial saving by moving to a model of electronic processing into which cheque processing does not fit.

It is not anticipated that this will cause any insurmountable access barrier to the discretionary services, as drivers will almost always have electronic means of payment for car insurance, and the Council has put in place an arrangement that continues to accept cash payments.

It is not recommended that this proposal should change.

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## Consultation comment 9

### **Wembley Event Day Permits**

*"The original issue of Wembley Event Day Permits was based on the fact that they would be given to all respective residents / traders at no cost to the respective applicants at that time and at no cost thereafter. (Note: only some time after (a set period after) the "original" issue of these permits was a small one off "charge" made to any such issue.)*

*This, "at no cost condition" was given, as clear understanding, and in writing to respective "Wembley Event Day area" residents /traders and stipulated formally within London Borough of Brent's committee reports and Council "undertakings" at the time of scheme consideration before Committee and at Approval.*

*Any costs of such a scheme were also not to be funded by "residents / traders" of the respective Event day area" but by other parties (see various letters / agreements between "Wembley stadium and LBB etc.).*

*It is recognised that a change of vehicle registration incurred a "one off" small administration only cost."*

#### Officer response

See paragraph 4.4 of the main report.

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## Consultation comment 10

### **Wembley Event Day Visitor Permits.**

*"As above, the "original" application and issue of "visitor" permits was made on a "no cost to residents / traders" basis.*

*These "original" Visitor permits were given out to qualifying residents on the basis that they were able to be used throughout any declared Event day with no such restrictions as are being proposed.*

*The aforesaid visitor permit system was / is again covered by such agreement as stated above.*

*The intent and purpose of these types of "no cost" permits to qualifying residents / traders was to protect them and compensate them against the known knock-on affects of a new build Wembley Stadium, not only within Highway regulations but also within conditions laid down for the Planning approval of the Wembley Stadium itself. As such, any change to these aspects would breach such legal agreements and would need to be formally challenged."*

#### Officer response

See section 4.4 of the main report.

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## Consultation comment 11

*"During the conception of this "Wembley Event Day Permit Scheme" I led my associations backed up with thousands signing detailed petitions to eventually enable LBB to arrive at the existing Event Day scheme. At that time much consultation with ourselves occurred; no such consultation, either public consultation across the areas affected or through the*

*Highway Committee has occurred with respect to changes now being proposed by this traffic order.”*

Officer response

A notice of the proposed change was published in the Wembley and Kilburn Times, Wembley Observer and London Gazette as required by statute. The proposals were earlier publicly published and debated publicly as part of the September 2012 Executive decision making process. Further publicity and communication will be undertaken prior to the implementation of any agreed changes.

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Consultation comment 12

*“I am totally opposed to the changes and I feel that as a resident, I am being penalised for the events at the stadium. The times are hard and as a retired person I do not see why I should bear the costs of the events. If the council is short of funds then they should levy the charges to the stadium rather than the local residents and businesses.”*

Officer response

There is already a fee in place for Wembley Event Day permit replacements required such as for a move of house or change of vehicle. The change is intended to further protect local residents and businesses that have seen the benefit of protected parking eroded through misuse of visitor permits and event permits by people that are not / no longer locally based.

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Consultation comment 13

*“The charges to be introduced for the visitors permit are far too expensive and totally unnecessary.”*

Officer response

See section 4.3 and 4.4 of the main report.

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Consultation comment 14

*“I have noticed that in spite of the rates being paid I am getting a fewer services and every where possible the council wants to charge extra for any services provided. I appreciate that the central government subsidy is being reduced and rather than making savings and minimise wastage, the residents are expected to foot the shortfalls.”*

Officer response

Through these changes, the Council has been able to change the way it administers and operates its parking services, through use of new technology, more efficient operations, higher productivity and lower infrastructure costs. Over the next five years this is expected to save at least £3.6 million. The fee for the Wembley Event scheme is related to the costs of a revised scheme involving a renewable permit to better protect parking for local people.

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Consultation comment 15

*“I would be grateful if you could supply me with details of how the proposals in the above proposed Order will apply to those who (like me) live in the Wembley Event Day permit area and currently have permits for specific vehicles and visitor permits. It not clear to me from reading this proposed Order what exactly is being proposed, the reasons for this and how it will impact on me and others in a similar situation. I have looked on Brent’s website and have found a document entitled “ **Parking in Brent - Our recent and proposed changes***

***to charges and applications explained” This document is undated but talks about proposals being considered by the Council in July 2013. As far as I can see, it does not relate to the above proposed Order but may relate to another proposed Order published at the same time namely London Borough of Brent - Amendments to Methods of Payment at On and Off Street Parking Places and Other Certain Operating Conditions: The Brent (Parking Places) (Amendment No. \*) Order 201\*: The Brent (Pay & Display Parking Places) (Amendment No. \*) Order 201\* (\*Several Orders): The Brent (Off-Street Parking Places) (No. \*) Order 201\*. Is this the case?”***

**Officer response**

The reference to the recent and proposed changes relates to the notices of proposal issued on 9<sup>th</sup> May 2013 for the various changes outlined in this report. The key change for Wembley Event residents is a proposed move to expiring permits for residents and a proposed move to daily permits for visitors.

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**Consultation comment 16**

*“In any event, please could you supply me with a copy of any documents explaining the proposals in the above proposed Order and the reasons for them? If there are any formal documents leading to the tabling of this proposed Order (for example papers to the Council or any of its Committees) and any formal decisions please would you send me details? I would also be grateful to know what consultation, if any, has taken place in relation to what will be introduced by the proposed Order.”*

**Officer response**

The underlying documents - the Executive report dated September 2012 – have been in the public domain for almost a year, and are still accessible on the Council’s website. The Council published notice of the proposals in the Wembley and Kilburn Times, Wembley Observer and London Gazette in accordance with statutory requirements.

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**Consultation comment 17**

*“There will be a negative impact on a resident’s quality of life. Daily visitor passes of 4 hours would be grossly inadequate and impractical.”*

**Officer response**

See sections 4.3 and 4.4 of the main report.

---

**Consultation comment 18**

*“Why are Stadium area residents not allowed the freedom to enjoy the company of their family and friends which other areas enjoy? Stadium area residents are unique in the level of inconvenience which they experience and the existing permit system goes some way to address these difficulties; all of which would be negated by the proposed parking amendments.”*

**Officer response**

This is the purpose of the scheme. It is envisaged that the changes will go a long way to tackling the increasing number of non-local drivers that have found ways of obtaining permits for which they are not entitled, or even for sale to stadium user parking for personal gain, through on street personal sales or even on commercial parking website. It is expected that following introduction of the changes that local people will regain use of local

parking spaces for themselves or their visitors, which are increasingly occupied by stadium users.

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Consultation comment 19

*“Long term, elderly residents are often without access to the proposed online payment method. For such residents the convenience of local payment points has already been removed, so many might prefer postal (and legal!) cheque payments, which you also plan to remove.”*

Officer response

See the Officer response to Consultation comment 8 above.

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Consultation comment 20

*“The proposed amendments will see an extortionate rise in the cost to residents. The charge of £10 per vehicle long-term is to be replaced by £15 for one vehicle, £40 for two vehicles and £70 for three vehicles; all for a limited period of two years. For a permanent resident this 2 yearly cost is substantial.”*

Officer response

The cost is £15 per vehicle. The escalating fees suggested by the consultee have not been proposed, and are possibly the result of confusing the separate Wembley Event zone arrangements with CPZ permit arrangements, where multi-vehicle households do pay higher rates for second and third vehicles.

As regards the proposed two year expiry period, see paragraph 4.4 of the main report. The new recommendation equates to a cost of £5 per vehicle per year or less than 20 pence per vehicle per event.

---

Consultation comment 21

*“The amendments will place day-time parking controls additionally on non-event days, which causes further difficulty to the normal family and social life of residents as well as generating more hidden costs.”*

Officer response

The amendments make no changes to controlled parking periods.

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Consultation comment 22

*“It is incredibly underhanded to restrict the publication of the proposals to a small notice in a paper that is not provided to all residents. Many of the residents do not buy these papers (such as the Kilburn Times) so were not aware of the proposed plans.”*

Officer response

The Council published formal notice of the proposals on its website and in the London Gazette in accordance with statutory requirements. We also published details in the local newspapers in the interests of openness and to reach a wider audience. Notice of the proposals was also sent to statutory consultees, and Officers attended residents meetings to discuss proposals as requested.

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#### Consultation comment 23

*"We feel that it is disgusting to charge residents of this area to park on event days considering the high level of disruption endured during the extensive development of the Wembley Stadium site. Probably the greatest concern of the residents is the restriction to visitor permits. Many residents do not have access to the internet so would be unable to obtain a visitor permit at the lower cost. In addition to this, the duration of visits from family therefore becomes restricted which, although indirectly, discriminates against those who live in this area; many of whom have done so for many years."*

#### Officer response

The fee is longstanding. It is expected that following introduction of the changes that local people will regain use of local parking spaces for themselves or their visitors, which are increasingly occupied by stadium users. Visitor parking may be called off using a text message or land line telephone call. The changes will firmly discriminate in favour of protecting local parking for local people.

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#### Consultation comment 24

*"It is very unclear as to whether the £15 fee covers each household regardless of the number of cars they may have or if the cost would apply per car."*

#### Officer response

Per vehicle.

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#### Consultation comment 25

*"Before any of these proposals are implemented the terms and conditions (as well as clearer information about how the visitors permit system can work for all residents) must be made a great deal clearer."*

#### Officer response

Terms and Conditions were reviewed and simplified earlier in 2013. The new terms and conditions are clearly shown on the Council's main parking page of the website <http://www.brent.gov.uk/services-for-residents/parking/>.

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#### Consultation comment 26

*"We, the residents, are 100% against these proposals and demand that you rethink the implications of what you are planning."*

#### Officer response

The representations set out above have caused a rethink, and some changes in direction are set out in this report.



**Executive**  
15 July 2013

**Report from the Strategic Director of  
Environment and Neighbourhood  
Services**

Wards Affected: ALL

**Parking Annual Report 2012/2013**

**1.0 SUMMARY**

- 1.1 One requirement of the Traffic Management Act 2004 is for local authorities to produce and publish an annual report on parking enforcement activities. The purpose of this report is to explain the aims and key objectives of delivering a parking enforcement service in Brent and the key achievements and statistical analysis of the last financial year.
- 1.2 Brent's Parking Service is committed to providing a fair, consistent and transparent enforcement operation and we hope that publishing statistical and financial information will help achieve these objectives. This report includes information about the number of civil parking enforcement related penalty charge notices issued for the period 2012/2013, the income and expenditure recorded in our 'parking account' and how subsequent parking surplus has been spent or allocated.

**2.0 RECOMMENDATIONS**

- 2.1 It is recommended that the Executive approve for publication the Parking Services Annual Report 2012/13

**3.0 DETAILS**

- 3.1 The purpose of the Annual Report is to provide statistical & financial information relating to all aspects of the enforcement operation including the number of PCNs issued, the number of PCNs paid, the income & expenditure related to the enforcement activities recorded in the "parking account" and how any surplus has/will be spent.



- 3.2 It will allow interested parties, including members of the public, easy access to information regarding last year's parking operations.
- 3.3 The report will be published on the Council's website.

#### 4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications as part of this report as it is a summary of the previous financial years' activities.
- 4.2 The report discusses the financial details and accounts of the last financial year and the main figures are below.
- 4.3 Parking account 2012/2013

<b>Income</b>	<b>'£(000)</b>
Off-Street (Car Park)	-507
On-Street (e.g. Pay & display)	-3,609
Permits	-3,331
Penalty Charge Notices	-7,571
Removals	-776
Other	-101
<b>Total</b>	<b>-15,895</b>

<b>Expenditure</b>	<b>£(000)</b>
Staff	809
Premises	119
Communications & computing	539
Supplies & services	442
External contract payments	5,096
Internal overheads	609
<b>Total expenditure</b>	<b>7,614</b>
<b>Net surplus</b>	<b>8,281</b>

<b>Transfer of surplus</b>	
Blue Badge scheme	46
Transportation schemes	2,173
Street lighting	3,297
Environmental improvement	2,765
<b>Balance</b>	<b>nil</b>

#### 5.0 LEGAL IMPLICATIONS

- 5.1 Part 6 of the Traffic Management Act 2004 (TMA) provides for the civil enforcement of parking contraventions. Guidance issued pursuant to Part 6 of the TMA confirms



that enforcement authorities should produce and publish an annual report about their enforcement activities within 6 months of each financial year-end and that it should, as a minimum cover financial, statistical and other data.

- 5.2 Under section 55 of the Road Traffic Regulations Act 1984 (as amended) enforcement authorities must keep account of their income and expenditure in respect of on-street parking places and any surplus must be applied towards specific purposes as set out in Section 55(4).

## **6.0 DIVERSITY IMPLICATIONS**

- 6.1 None

## **7.0 STAFFING / ACCOMMODATION IMPLICATIONS (IF APPROPRIATE)**

- 7.1 None

## **BACKGROUND PAPERS**

N/A

## **CONTACT OFFICERS**

Michael Read – Operational Director (Environment & Protection)

David Thrall - Head of Service (Safer Streets)

**Sue Harper**  
**Strategic Director**  
**Environment and Neighbourhood Services**



# Annual Parking Report 2012-2013

## Section 1 - Parking restrictions

### 1.1 Parking policy

Publication of this annual report is a requirement of the Traffic Management Act 2004.

Parking policies are an integral part of the Council's transport strategy and are aimed at tackling congestion, changing travel behaviour and ensuring minimum driving standards relating to parking and some other moving traffic matters.

In setting policy, the Council has taken account of:

- existing and projected levels of demand for parking by all classes of vehicle;
- availability and pricing of on-street and off-street parking places.

When formulating and appraising policies, the Council consults locally with individuals and businesses. It takes into account the views of the police and, where possible, works with neighbouring authorities to achieve a consistent approach.

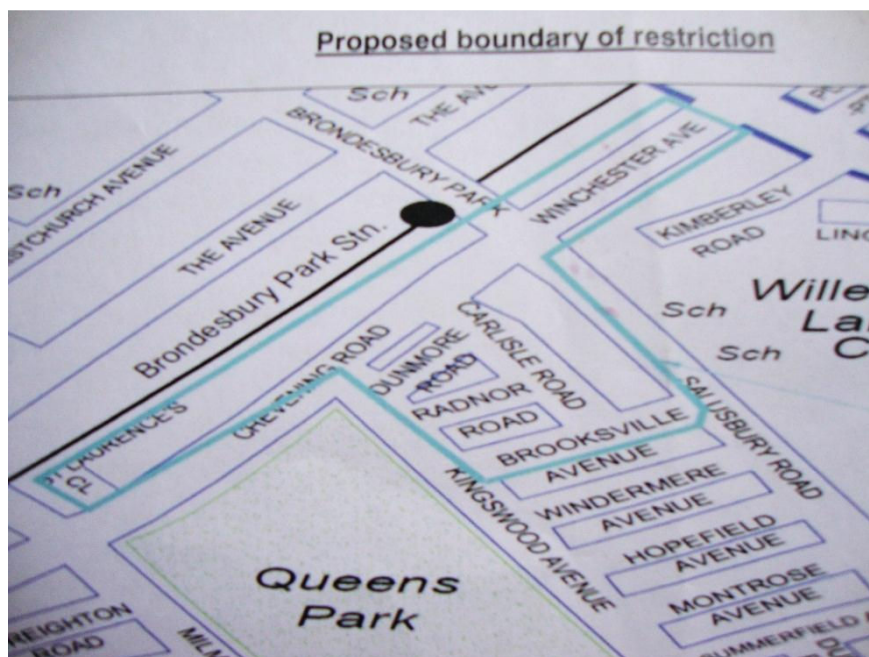


Figure 1 - transport planning

The Council's parking control policies are to:

- regulate the use of vehicles in the busiest and most congested areas;
- improve traffic flows;
- improve road safety (for vehicle users and for pedestrians);
- increase and improve pedestrian and cyclist mobility;
- encourage public transport usage;
- safeguard the needs and requirements of residents, businesses/organisations and visitors;

- regulate and control parking, both on-street and off-street;
- encourage the use of car parks;
- provide sufficient short-stay parking facilities to support shops/commercial organisations and leisure activities; and
- preserve and improve the current infrastructure and general environment.

## 1.2 Parking restrictions

Parking restrictions play an important part in helping to achieve the above policies. Whether the restrictions are prohibitions on parking, or allow parking for certain purposes or lengths of time, there will have been reasons why those restrictions have been introduced at that location, including:

- 1) prevention of congestion, thereby improving traffic flows;
- 2) improvement of road safety for all users (pedestrians and vehicular);
- 3) improvement in the quality and accessibility of public transport;
- 4) improvement to the local environment;
- 5) provision of a fair distribution of parking spaces to meet the competing demands of:
  - a) residents;
  - b) shops;
  - c) businesses;
  - d) pedestrians;
  - e) people with disabilities;
  - f) visitors;
  - g) car drivers;
  - h) delivery drivers;
  - i) public transport users;
  - j) cyclists; and
  - k) motor cyclists

There are a number of different types of restriction which can be used to achieve this aims, such as:

- stopping or waiting/loading restrictions (clearways, yellow lines, school restrictions, etc.);
- bus lanes;
- controlled parking zones;
- Wembley Stadium Protective Parking Scheme;
- pay and display parking;
- bays for time restricted parking;
- bays for specific users or for specific purposes (e.g. disabled badge holders, and



Figure 2 - event day signs

- bus stops, taxi ranks, motor cycles, loading/unloading).

Most of the above are introduced by means of a Traffic Management Order and are indicated to the public by means of signs (time plates) and road markings (signs and lines). These signs and lines will either comply with national legislation governing their size and positioning, the Traffic Signs Regulations and General Directions, 2002, or will have been specifically approved by the Department for Transport (DfT).

The introduction of a new scheme or restriction, or the need to amend or remove an existing restriction may have been suggested by an officer of the Council, a resident, local Councillors representing those residents, or by other interested parties (residents associations, local business/trade associations, transport service operators, the police or the fire service). Each submission is carefully considered against such criteria as the type of road and local accident figures and an assessment made as to its priority. The Council has only limited funds with which to introduce new schemes, and some are more expensive to implement than others. Proposed schemes are, therefore, introduced in order of priority, subject to the availability of the necessary resources.

If a decision to proceed with a new scheme is made, the proposal is consulted upon and a new or amended Traffic Management Order is made up and advertised for public comment or objection. Responses to the advertisement (both for and against the proposal) will be considered before a final decision is made on whether to implement the proposal or not.

Whilst there are many different types of parking restriction, they can split into two distinct categories. The first type prohibit vehicles from stopping, including clearways, taxi ranks, bus stops, school restrictions, and similar. The second group places restrictions on parking by vehicles. These include yellow lines, bays for specific users(disabled badge holders, permit holders, pay and display bays) or waiting for specific purposes (loading bays).

*“Stopping restrictions”* do not allow vehicle to park for any reason. Waiting restrictions usually allow vehicle to park:

- 1) For the purpose of actively picking up or setting down passengers and their luggage (but not to wait for the arrival of those passengers); or
- 2) For as long as may be necessary, up to a maximum of 40 minutes, for the vehicle to be actively (continuously) loaded or unloaded. Such loading is allowed provided that it is necessary for the vehicle to be parked there for that purpose and that, in doing so, the vehicle does not create an obstruction to other road users (including pedestrians). If the vehicle could be parked nearby, without breaching the parking restrictions and the goods needing to be loaded or unloaded are of such a nature that the driver could carry them to or from the premises without difficulty, then it would not be considered “necessary for the vehicle to be parked” in breach of the waiting restrictions nearer to the premises for the purpose of loading or unloading.

Additionally:

- Whilst parking to make a purchase from a shop would not be considered as “loading”, stopping to actively load bulky items which had previously been purchased into the vehicle would be;
- With regards to deliveries, the process of loading/unloading includes taking goods into nearby premises, getting delivery notes signed and returning to the vehicle. It would not include such activities as installing delivered goods, or preparing those goods for display;
- Similarly, the unloading to, or collection from, a premises of bulky tools would be considered as loading and unloading. However, using those tools to conduct a repair within a building would not. However, in some cases it is not possible to effect repairs or other works without the vehicle being present. The main utility companies (water, gas, electricity) are usually exempted from the waiting restrictions, where it is necessary for them to park in breach of those restrictions to conduct repairs either on the highway, or in adjacent premises, to pipes, sewers, telegraph lines, etc. Other non-utility companies can face similar problems, and the Council will, wherever possible, seek to assist them by either providing them with dispensations enabling them to park in breach of the parking restrictions for a specified period (provided the vehicle does not obstruct the flow of traffic), or by seeking to identify nearby sites where those vehicles could be parked without breaching the parking restrictions. Whilst loading/unloading is usually permitted on yellow lines where only waiting restrictions apply, it is not permitted if there is also a loading ban in force. A loading ban is indicated by yellow marks on the kerb and the times of the ban are shown on the adjacent time plates. The time plates indicating the times of the waiting restrictions have a yellow background. Those indicating the times of a loading ban have a white background.



Figure 3 - Civil Enforcement Officers in heavily parked street

Wherever parking restrictions are in force, these will be indicated to the motorist by the use of road markings and/or signage. Double yellow lines usually mean “No Waiting At Any Time”, and they therefore do not require any accompanying signage. However, single yellow lines do require signage to indicate the times of operation of the restrictions. If the single yellow lines are located within a Controlled Parking Zone, the times of operation of those yellow lines are shown on the large Zone entry plates. As a result those lines do not need additional signage, unless the operational times of those lines at a given location within the Controlled parking Zone differ from the operational times of the Controlled Parking Zone. If no days are shown on the signs, then the restrictions are in force every day of the year, including Sundays and Bank/Public Holidays. If no times are shown then the restriction applies 24 hours a day.

In the case of parking bays, these may be reserved for use by certain users only (for example resident permit holders only) or for use for certain purposes either at all times or between certain hours (for example loading bays). Whatever the restrictions, they will be shown on the nearby time plates.

Whenever parking, it is essential that motorists always consult the nearby signage to ensure that they are aware of the restrictions which are in force and when those restrictions apply. It is the responsibility of the motorist to ensure that they are parked legally at all times, and the signage will help them to do that. Where parking bays are provided, vehicles must always be parked wholly within the markings of those bays.

Information concerning parking and examples of road markings and signs can be found in the “*Highway Code*”, and in the Department for Transport’s “*Know Your Traffic Signs*” booklet. These publications and other useful information relating to parking can be found on the Depart for Transport’s website [www.dft.gov.uk](http://www.dft.gov.uk).

In many locations across the Borough on-street pay and display parking is available. The prices and instructions about how to pay are shown on a payment machine or nearby. It is important that motorists using these bays read the instructions carefully.

The Council also provide a number of off-street car parks across the Borough. Each car park will have at least one information board showing the prices and times of operation of the car park. Again it is important that motorists take the time to read those instructions.

Whenever using pay and display parking, whether on-street or off-street in the car parks, if paying by machine do not forget that you need to prominently display the ticket you have purchased to the front or front/ nearside of your vehicle so that it is clearly visible from outside the vehicle. The information that must be able to be read is the date, expiry time and the amount paid. As tickets can be easily dislodged by a gust of wind when you open or close the car door, it is always advisable to check that your ticket is correctly displayed before you leave the vehicle.

The locations of the car parks, together with the charges for parking in off-street car parks or on-street, can be found at [www.brent.gov.uk/parking](http://www.brent.gov.uk/parking).



Remember that whenever you park, whether parking restrictions are in operation or not, you must not leave your vehicle in a dangerous position or in such a position that it causing an obstruction to other road users. The offences of “Dangerous Parking” and “Obstruction” have not been decriminalised. They remain criminal offences that are dealt with by the police.

### 1.3 Parking by Blue Badge holders

The Blue Badge scheme provides a national range of parking concessions for those disabled people with mobility problems. The scheme is designed to help disabled people to travel independently, either as a driver or a passenger, by allowing them to park close to their destination.

It is important that disabled badge holders or their carers read and understand the conditions of use. Certain concessions are granted to badge holders, especially the ability to wait for up to 3 hours on yellow lines. However the scheme does not offer blanket exemption from all on-street parking restrictions. For example, you cannot park on yellow lines if there is a loading ban in operation.



Figure 4 - seized blue badges

It should also be noted that the blue badge scheme may apply to off-street car parks that are privately run. A number of car park operators provide parking for disabled badge holders, but it is up to the car park owner to decide whether to charge disabled badge holders or not. Whenever using a car park, whether privately owned or Council run, disabled badge holders should always check the car park information boards and/or the information sheets on the pay and display machines, to see whether there are any concessions in that particular car park for disabled badge holders.

Disabled Badge holders should not assume that their disabled badge entitles them to park free of charge. Disabled Badge holders are allowed to park free of charge in all of the Council-run car parks in Brent. A full list of which can be found at [www.brent.gov.uk/parking](http://www.brent.gov.uk/parking).



## SECTION 2 – Recent developments

In late 2011, the Council commenced an ambitious plan to modernise the parking service. The Council aims to dramatically reduce the cost of providing the service, collect a higher proportion of payments in respect of PCNs issued and to simplify arrangements from the customer's perspective.

During 2012/13, the service has published proposals for:

- reducing and simplifying pay and display tariffs;
- reducing a confusing range of permits;
- eliminating a number of pricing anomalies;
- dramatically reducing the scope for misuse of parking products, which have gradually allowed a range of drivers to overcome intended policy parking restrictions;
- simplifying administrative arrangements so that retendering for a new parking enforcement contract could drive savings by enabling lower processing costs through simplification, virtualisation and automation;
- move to a customer service model of website or telephone, with changes being made to incentivise the lowest cost website approach.



Figure 5 - P&D machine

Work to make these changes is well underway and is expected to reach fruition in 2013-14.

This has included closure of the remaining parking shops and introduction of a UK first – a web-based application process which automates authentication for the majority of customers. Thus the majority of customers now receive an instant decision and permit activation.

During the year, the tendering process for a new parking contract is complete and the joint procurement with London Boroughs of Hounslow and Ealing has resulted in multi-million cost reduction for all three boroughs, with Brent's share being of £3.6 million over the next five years. The new contractor Serco starts on 4 July 2013 and this date will also see the parking base and vehicle pound moving to more suitable and modern location in Whitby Avenue. It will also result in the reinvestment of computer systems for CEOs, Council staff and customers.

New and modern technology together with a move away from paper permits, to virtual permits, will enable monitoring for contraventions to better use real-time data of recent compliance and better deploy enforcement resources to the locations that have the greatest problems with non-compliance. This will help the Council to counter UK-wide suspicions that Councils issue "the easiest tickets"

Further savings are hoped for if the three boroughs can agree to harmonise some of the many aspects of services that are currently different, and if harmonised would enable the contractor to further drive down costs through a wider range of single processes for all three boroughs.

## SECTION 3 – statistical analysis

### 3.1 Financial report

The Council is required to keep detailed records of all its income and expenditure in relation to parking enforcement. The use of any surplus on the account is not for general revenue raising. Under the Road Traffic Act 1984, traffic regulations can only be introduced for:

- safety;
- maintaining an access to premises;
- reducing congestion;
- managing the amount of kerb space available for parking;
- improving the amenity of an area.

Section 55 of the Road Traffic Regulation Act 1984 states that any surplus in parking revenue accounts, after the cost of running the schemes have been covered, can only be spent on:

- providing additional parking facilities;
- public transport schemes;
- highway improvements;
- road maintenance;
- schemes supporting the Mayor of London's strategy;
- environmental improvements.

The parking surplus in Brent funds:

- street lighting (equipment, maintenance and energy costs);
- maintenance of highways, footways and cycleways;
- road safety education, training and publicity;
- supporting more sustainable transport (cycling, walking and public transport);
- traffic and parking management including schemes, Traffic Regulation Orders and consultation on transport and highway proposals.
- environmental improvements



Figure 6 - Road signs

### 3.2 2012/13 accounts

<b>Income</b>	<b>'£(000)</b>
Off-Street (Car Park)	-507
On-Street (e.g. Pay & display)	-3,609
Permits	-3,331
Penalty Charge Notices	-7,571
Removals	-776
Other	-101
<b>Total</b>	<b>-15,895</b>

<b>Expenditure</b>	<b>£(000)</b>
Staff	809
Premises	119
Communications & computing	539
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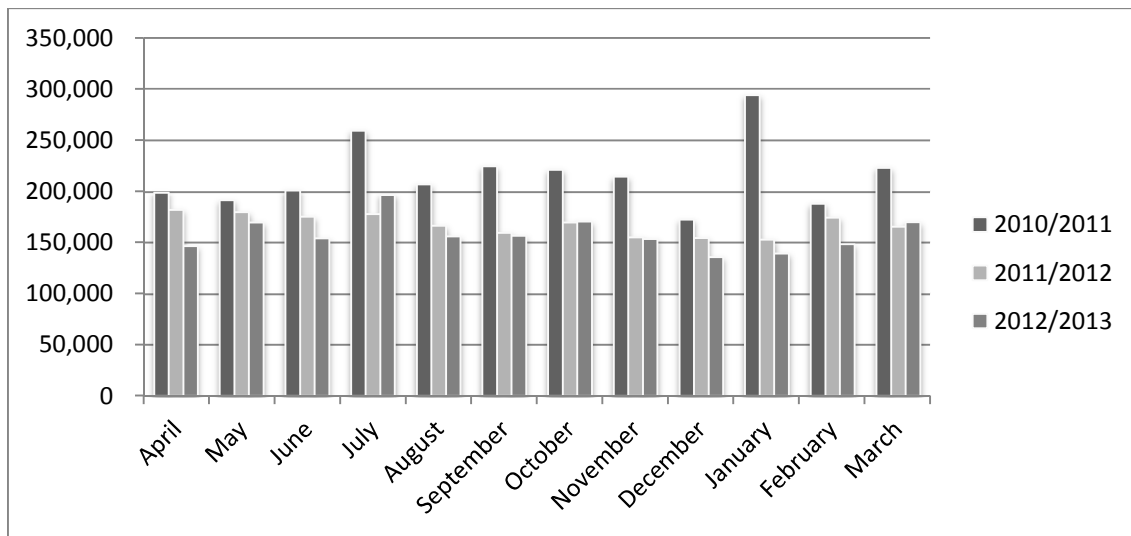
<b>Transfer of surplus</b>	
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Street lighting	3,297
Environmental improvement	2,765
<b>Balance</b>	<b>nil</b>

### 3.3 Discretionary sales

#### 3.3.1 Short-term on-street parking

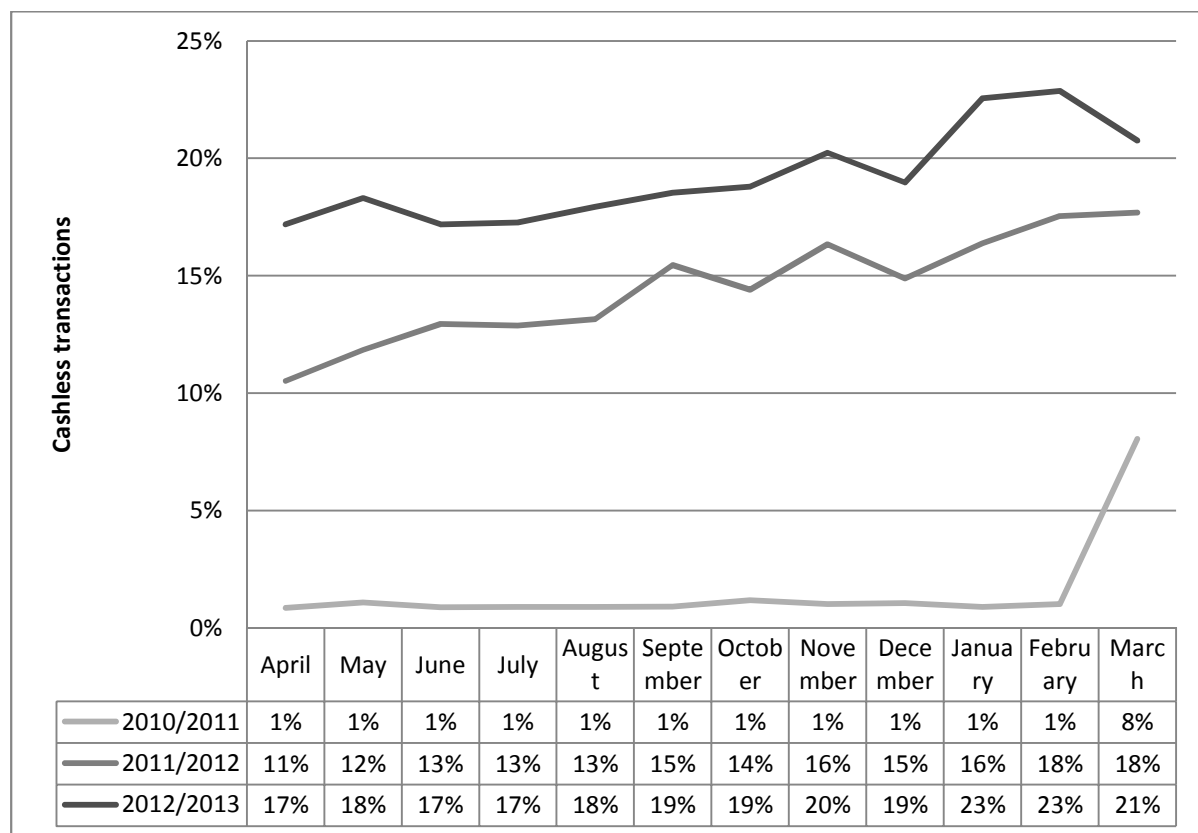
The Council maintain over 700 pay and display machines across the borough. On-street coin transactions have fallen in recent years in line with the increased use of cashless parking payments.

### Pay and display transactions



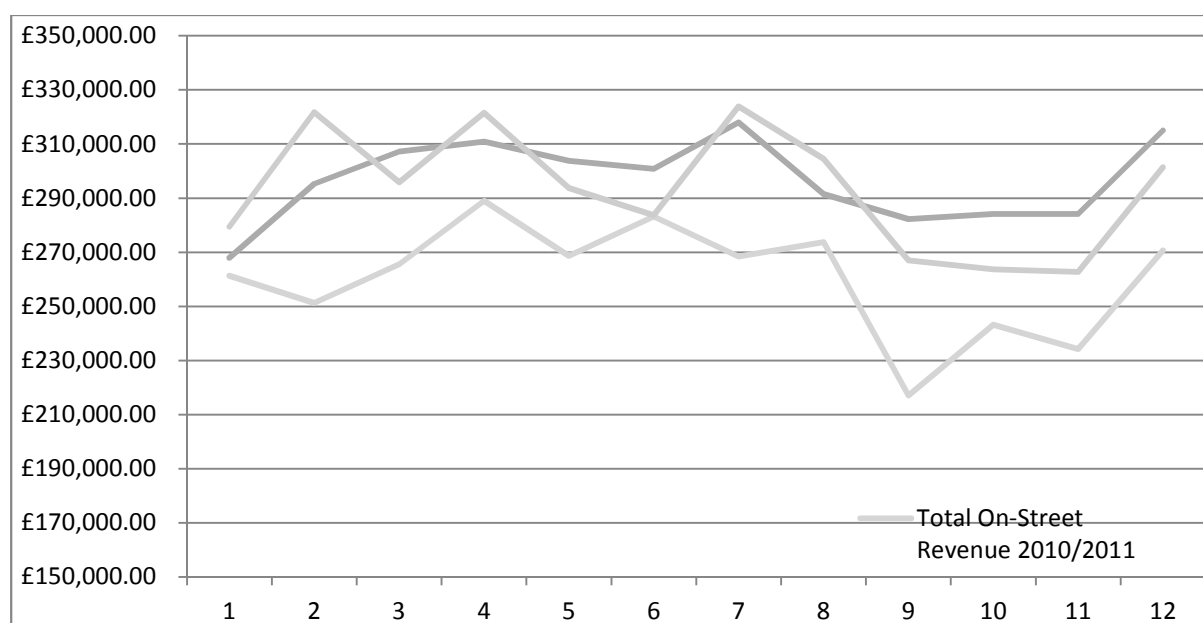
Brent Council have partnered with RingGo to provide customers with an alternative to paying for parking with coins. Customers are now able to use cashless parking services at pay and display locations, meaning that customers have the option of using their mobile phone as a payment tool.

### Cashless parking as a % of total on-street transactions



Overall, there was a slight fall in total on-street revenues in comparison with the previous year dropping by approximately £40,000 to just over £3.5m p.a.

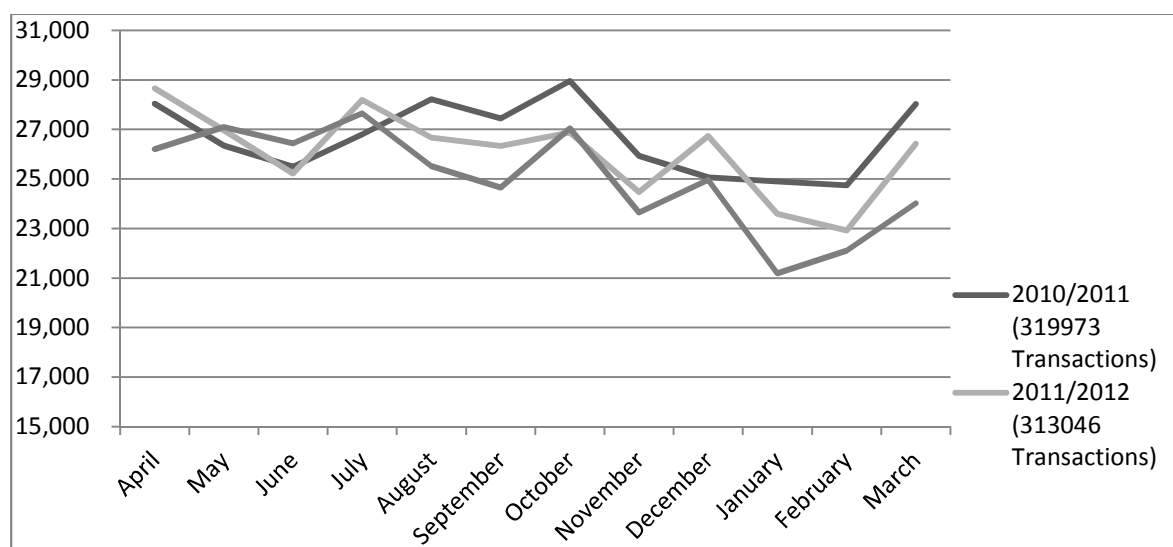
### On-street revenue by month



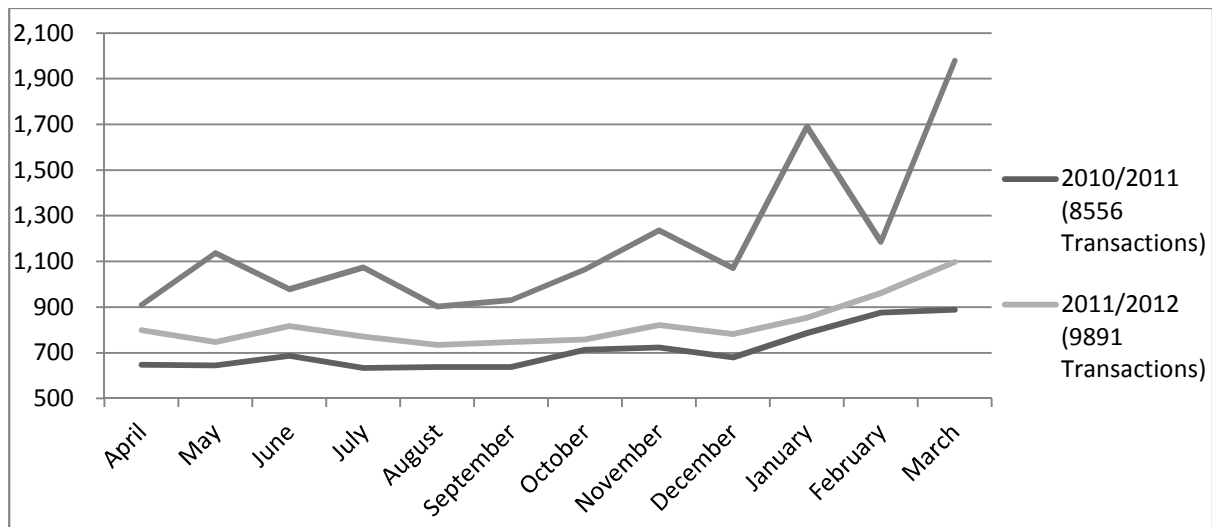
### 3.3.2 Off-street parking (car parks)

Brent Council has a small portfolio of car parks. Use of the Council's car parks was broadly in line with use in previous financial years; the only difference coming in user preferences. The charts below demonstrate show a small increase in the use by customers of their mobile telephones to pay for parking.

### Pay and display transactions



### Cashless transactions in car parks



### 3.4 Enforcement

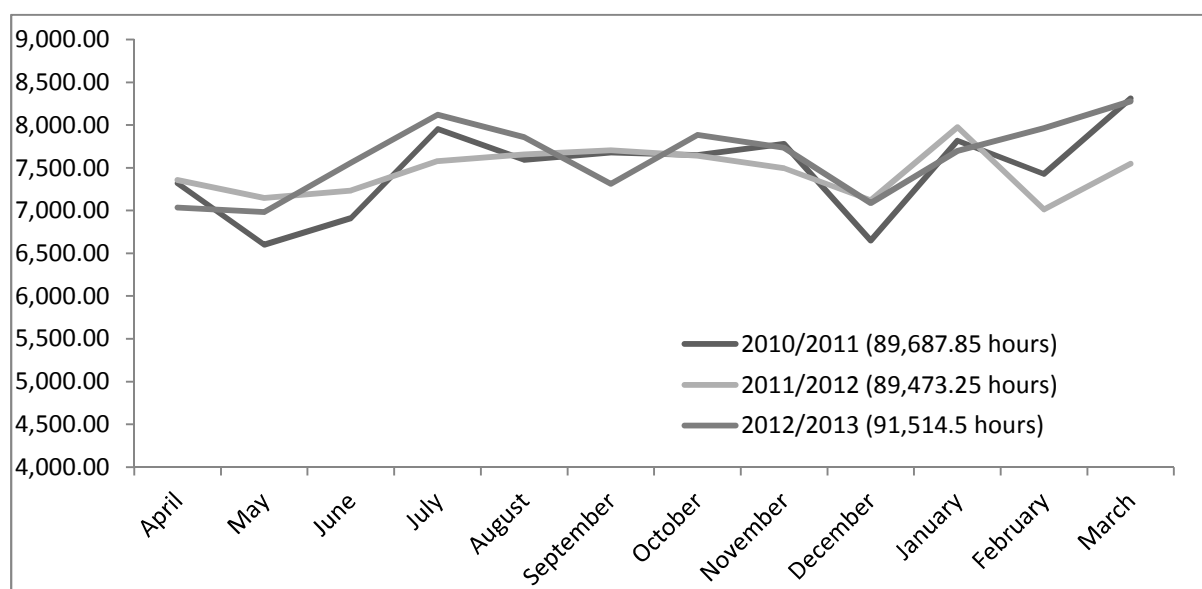
In order to provide an effective enforcement service the Council use a variety of resources and equipment; broadly speaking, enforcement resources may be broken down into Civil Enforcement Officers, removal services, CCTV parking enforcement, moving traffic enforcement, and bus lane enforcement.

#### 3.4.1 Civil Enforcement Officers

Civil Enforcement Officers continue to be the Council's primary method of enforcing parking regulations. They enforce all parking regulations in the borough, from busy high streets to residential controlled parking zones. All Brent hold a professional parking qualification and are subject to on-going training.

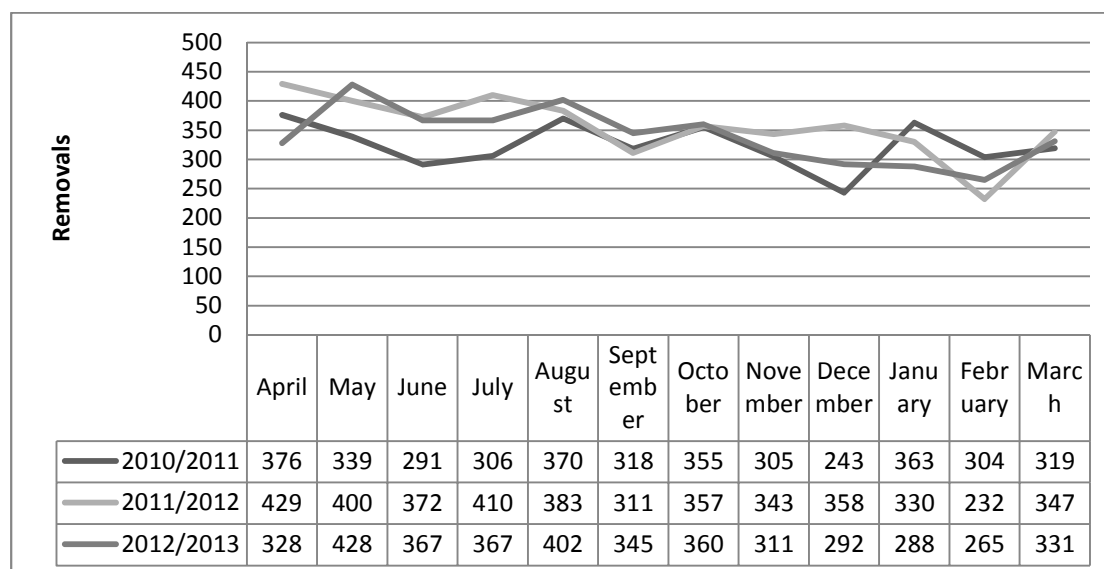
In 2012/2013 the number of hours the Council deployed Civil Enforcement Officer rose to 91,500 hours; the increase in levels of deployment coming as a direct result of Olympic Events being held at Wembley Stadium and Wembley Arena, and the compulsory high levels of enforcement presence mandated for the Olympic Route Network.

## CEO deployment



### 3.4.2 Vehicle removals

The Council continued to provide a vehicle Removal Service throughout 2012/13, impounding 4,084 vehicles found parked in contravention. The volumes and enforcement trends associated with the vehicle removal service closely followed the patterns of previous financial years, with similar volumes and activity peaks and troughs.





### 3.4.3 CCTV enforcement

CCTV is used to enforce some of the borough's parking regulations by CCTV as a supplement to CEO enforcement. The Council also enforces the boroughs bus lane and moving traffic regulations (box junctions / banned manoeuvres) using CCTV.

CCTV cameras complement more traditional forms of enforcement and provides additional resource in ensuring that motorists using the boroughs roads do so in a compliant manner. This ensures the expeditious and safe movement of traffic on the borough's road network, helping the council to fulfil its network management duty.

The Council has four mobile CCTV cameras in smart cars, which are very useful in situations of high non-compliance where traditional enforcement is ineffective due to a high rate of 'drive-aways', e.g. outside schools or for junctions with a high level of non compliance (no entry, no right or left turn, etc).

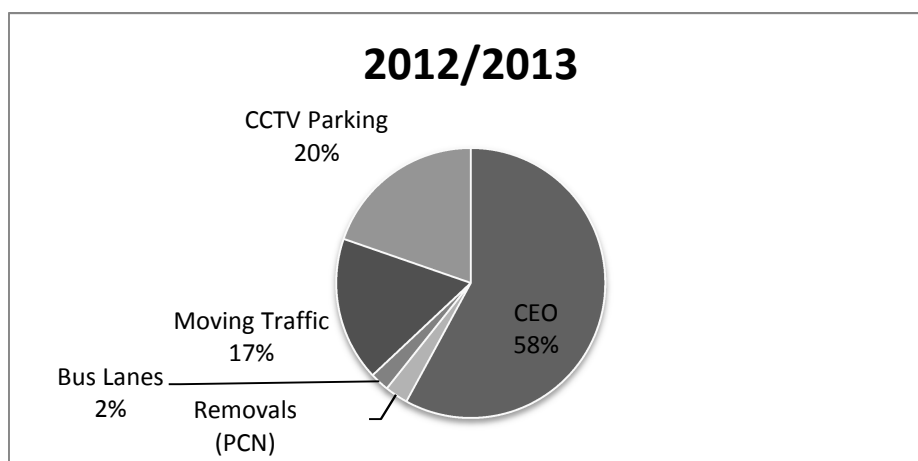
### 3.4.4 Penalty Charge Notices

Issuance was broadly in line with the previous year, with a small increase arising from CCTV enforcement.

	CEO	Removals (PCN)	Bus Lanes	Moving Traffic	CCTV Parking	Total
<b>2010/2011</b>	81,886	3,888	5,508	4,646*	1,000*	96,928
<b>2011/2012</b>	91,010	4,358	2,153	19,644	24,692	141,857
<b>2012/2013</b>	85,101	4,084	3,373	25,367	28,942	146,867

*\*part year only*

For a comparatively large and crowded borough, a comparison with other London Boroughs in terms of PCNs issued for the most recent available data, shows that 10 London Boroughs issued more PCNs than Brent, namely Westminster, Camden, Newham, Hammersmith & Fulham, Islington, Lambeth, Ealing, Haringey, Wandsworth, and Kensington & Chelsea.



### Recovery rate

*(issued and closed as paid within 12 months)*

	CEO	Removals (PCN)	Bus Lanes	Moving Traffic	CCTV Parking	Total
<b>2010/2011</b>	60.67%	94.52%	73.13%	31.96% *	6.20% *	60.80%
<b>2011/2012</b>	58.34%	94.56%	68.74%	70.42%	65.04%	62.45%
<b>2012/2013</b>	60.44%	94.39%	68.49%	81.10%	69.62%	66.95%

*\*part year only*

### 3.4.5 Challenges, Representation, Appeals

The service continues to provide a firm, fair and customer focussed response to correspondence and telephone calls received. The below information summarises some high level figures for the last financial year.


Total correspondence volumes handled	27,091
Bus Lane Formal Representations	22
CCTV parking representations	5,217
CEO representations	6,370
Moving Traffic representations	4,239
% declined	58%
Appeals received	1,809
Appeals not contested	482
Appeals decided by the Adjudicator	1,192
The number accepted	443
The number rejected	749
Statutory Declarations received	1,462

The most recent comparative data for London is 2011/12, and for appeals submitted per 1,000 PCNs issued to the independent tribunal (PATAS). In this regard Brent has the best performance in London. The reason for this is unknown. However it is reasonable to assume that the cause is likely to be:

- Civil Enforcement Officers using their discretion to issue PCNs in the most clear-cut circumstances; and
- Brent parking staff using their full discretion to cancel any PCN at the previous stage, if the PCN there are exceptional circumstances, or the PCN is likely to be overturned by the independent tribunal.

The annual report by the Chief Parking Adjudicator, together with full appeal figures for all London authorities, can be found at [www.patass.gov.uk](http://www.patass.gov.uk).

David Thrall  
Head of Safer Streets  
London Borough of Brent  
June 2013

 <b>Brent</b>	<p><b>Executive</b> 15 July 2013</p> <p><b>Report from the Director of Children and Families</b></p>
<p>Wards Affected: ALL</p>	
<p><b>Independent Fostering Agencies Framework Agreement</b></p>	

**Appendices 1 & 2 to this report are Not for Publication**

## **1.0 Summary**

- 1.1 This report advises Members of Brent's participation in the procurement by the London Borough of Hillingdon of the West London Alliance Independent Fostering Agency framework. This report summarises the process undertaken in tendering this framework agreement and seeks approval to depart from the usual requirements of CSO 86(d) (ii) in relation to individual call-off contracts from the framework agreement.

## **2.0 Recommendations**

- 2.1 That the Council's participation in a WLA initiative, led by LB Hillingdon, to establish a framework contract for Independent Fostering Agencies be noted
- 2.2 That authority be delegated to officers to access the IFA framework and give permission to enter into an Access Agreement with the London Borough of Hillingdon to use the framework.
- 2.2 That an exemption from the usual requirements of Contract Standing Order 86(d)(ii) be approved so that it is not necessary to seek advice from the Director of Legal and Procurement each and every time a call-off is proposed from the IFA framework.

## **3.0 Detail**

- 3.0.1 The West London Children's Services Efficiencies Programme was launched in spring 2011 as a partnership of the six West London Authorities, (Hillingdon, Harrow, Hammersmith and Fulham, Hounslow, Brent, Ealing) plus Westminster, Kensington and Chelsea and Barnet.
- 3.0.2 A central project within the programme has been to develop a framework agreement to deliver more efficient commissioning arrangements for looked after children placed with external Independent Fostering Agencies (IFAs). The London Borough of Hillingdon has acted as the lead borough in delivering this project on behalf of the West London boroughs.
- 3.0.3 Collectively, the boroughs in the West London Alliance (WLA) spend in excess of £120m (2011/12) per year on looked after children and care leavers, of which £32 Million (2011/12) was used to purchase fostering placements from the private and voluntary sectors. By jointly developing a framework agreement for the provision of IFA placements across the sub-region, the aim is to exploit the West London Boroughs' combined purchasing power, delivering financial efficiencies and developing a diverse and quality assured market, with clear pricing frameworks and specifications.

### **3.1 Background**

- 3.1.1 Fostering is a way of providing care for children, in a family setting, who cannot live with their own families. Local Authorities have their own internal arrangements for finding suitable carers for looked after children but, due to the lack of a sufficient supply, authorities have also used private sector IFAs to source foster parents at an enhanced rate.
- 3.1.2 The London Borough of Brent has acted as a partner borough in a West London initiative to develop a framework agreement for IFA placements which was led by the London Borough of Hillingdon.
- 3.1.3 The Council's core strategy for the provision of fostering placements has been to shift the balance of commissioning to in-house foster carers, ensuring the strong matches of Looked After Children (LAC) with carers in their local area. This approach continues to be successful, with 57% of fostering placements now being made in-house compared to 41% in 2011. However, the need for an external market in fostering provision will continue, in particular for larger sibling groups & specialist/complex needs placements. While the Council has had some success in the management of the IFA market to date, the use of a framework is recommended as the most effective vehicle for achieving further quality and cost improvements in the sector over the coming four years.
- 3.1.4 The borough has played a key role in strengthening local market management arrangements through the WLA Children's Services

Efficiencies Programme. Joint commercial negotiations with the biggest IFA providers during 2012/13 have already delivered £650k of savings across the sub-region which represents a 4% saving on the £15.9m the WLA boroughs spend with the targeted providers (equivalent to a 2% saving on all WLA spend on IFAs). Brent saved £63k in 2012/13 from this coordinated commercial negotiation activity with IFA providers.

### **3.2 The West London IFA Framework**

- 3.2.1 West London boroughs currently purchase all of their IFA placements on a spot basis, with inconsistent rates and a duplication of approaches for contract management and inspection. There is now a need to move beyond this method of procurement, in order to deliver economies of scale and take a more robust, strategic approach to managing and developing the market.
- 3.2.2 Putting in place a framework agreement for the provision of IFA placements will improve the Council's procurement strategy by ensuring a diverse and quality assured market with clear agreed pricing structures and shared specifications. It will allow West London boroughs to operate collectively as a large and influential group of local authorities, seeking further efficiencies by using the boroughs' combined purchasing power.
- 3.2.3 While spot purchases and attendant commercial negotiations leave the Council exposed to the risk of annual inflationary increases, the use of a framework will deliver preferable rates fixed for the first two years with additional fee reductions built in for volume of placements, long term placements and discounts for the placement of sibling groups.
- 3.2.4 The potential for quality improvements and better outcomes for Looked After Children are also improved through the use of an identified set of robustly quality tested providers, enabling boroughs to obtain services at the right time, the right price and the right quality.
- 3.2.5 Hillingdon has led on the establishment of the framework with IFAs (the "IFA Framework"). Once the IFA Framework is operational, West London boroughs will work in partnership with the WLA to progress the development of more locally available services, reflecting the needs of the boroughs and addressing gaps in the market.

### **3.3 How the IFA Framework is constructed**

- 3.3.1 Providers have been grouped into 'lots' under the IFA Framework based upon different levels of care package specification. The lots are as follows:

#### **Lot 1 - Core Fostering**

- 3.3.2 Placements into foster care are made by Local Authorities as part of their corporate parenting role for Looked After Children. Children's placements into foster care can last for weeks, months or for the rest of their childhood depending on their circumstances.

### **Lot 2 - Parent & Child Fostering**

- 3.3.3 Parent and child fostering involves the placement not only of a baby or young child but also of a parent (mother or father) who is experiencing difficulties. This does not mean the foster carer provides parental care to the baby (except if required). The foster carer's role is a supporting one, ensuring that the parent feeds, changes, clothes and handles the baby appropriately; ensuring that the infant's parent is providing appropriate stimulation and interaction for the infant; and observing and recording how the parent looks after the child.

### **Lot 3 - Specialist Fostering**

- 3.3.4 Specialist placements are sought where the child/young person's level of needs and/or behaviours would have a high level of placement breakdown in a regular family setting with "core" fostering levels of support.
- 3.3.5 The Terms & Conditions under the IFA Framework have been subject to a robust development process. They were initially developed using the London Care Placement Model Contract 2010 and have been updated in detail by the Legal Services of both Barnet and Hillingdon.
- 3.3.6 The core service specification for the IFA Framework has been developed using the London Care Placements Model Specification 2010 and further developed by the West London boroughs working in partnership as part of this project. Additional specifications for the provision of Parent & Child Placements and Specialist Fostering were also developed by the group.
- 3.3.7 The operational implementation of the IFA Framework will take place through the use of developed Call-Off Procedures setting out how individual placements will be made through the IFA Framework.
- 3.3.8 So long as local authorities remain satisfied with the quality of their service, providers can be relatively confident of a regular flow of placements. This enables providers to develop business plans and strategies over the medium term.

## **3.4 Operational implementation of the IFA Framework**

- 3.4.1 Providers under the IFA Framework have been rigorously assessed for quality and quality will be maintained through cross-cutting contract management coordinated in partnership with the WLA.
- 3.4.2 It is proposed that the IFA Framework will be managed through the roll out of the IT procurement platform CarePlace (subject to the approval of the Children's Efficiency Programme Board), which has been successfully implemented in Adult Social Care. Allied to the information already received as part of the IFA Framework process, the live information on cost, quality, supply and capacity in CarePlace will enable better decision making and enhance West London boroughs' ability to work with quality local providers.
- 3.4.3 To maximise the financial benefits of the IFA Framework, CarePlace will also track the range of discounts achieved as part of the IFA Framework and support placement decisions so further discounts are triggered.
- 3.4.4 The nature of placements with IFAs is that such placements often have to be made at short notice. Brent's CSO 86(d)(ii) requires that each time a call-off is recommended by the relevant Chief Officer from a framework established by another contracting authority, advice from the Director of Legal and Procurement must be obtained to confirm that participation in the framework is legally permissible. This has the potential to delay the placing of children. The Director of Legal and Procurement has indicated that the participation in the IFA Framework is legally permissible. In the circumstances Officers recommend that there are good operational reasons to seek an exemption from the requirement to seek advice from the Director of Legal and Procurement to confirm that participation in the IFA Framework is legally permissible in respect of each and every call-off.

## 3.5 **Business Benefits**

- 3.5.1 The prices achieved through the IFA Framework are attractive, even more so in a challenging context for achieving further efficiencies from the IFA market in West London, due to the inflationary pressures and increased competition from other sub-regions in the market that have already been considered in this report.
- 3.5.2 Non-financial benefits will also be achieved by establishing the IFA Framework. These include:
- **Sufficiency requirements** – the IFA Framework will enable Brent Council to deliver its obligations under sufficiency duties placed on Local Authorities and ensure a greater proportion of our foster placements are within a 20 mile radius of the borough.
  - **Market development** – by awarding an IFA Framework contract for the next four years West London boroughs will communicate a

clear message of our joint intention to stimulate the growth of local capacity. This will be achieved by giving providers on the IFA Framework the confidence to increase their recruitment of local foster carers, resulting in more placement choice for commissioners and children and decreasing the likelihood of costly placement moves. In addition, by delivering more local placements there will be savings to travel time for social workers/Independent Reviewing Officers/monitoring officers.

- **Improvement in quality** – by robustly specifying, tendering and monitoring independent fostering placements within the IFA Framework IFA placements will be delivered to a better standard of quality and any underperformance will be subject to rigorous performance management processes as set out in the Terms & Conditions of the IFA contract.
- **Contract management** – commercial contract management of the IFA Framework will be facilitated by the WLA in partnership with boroughs ensuring robust quality performance management of providers.
- **Placement searches/negotiation** - having a framework of approved providers with tendered prices, discounts, specifications and referral processes will reduce officer time required for finding and arranging placements.
- **Specialist fostering** – the IFA Framework will enable Brent Council to have increased access to high quality specialist fostering placements. This will assist both in attempting to prevent children being placed in high cost residential children's homes or when seeking to move a young person from residential care back to a family fostering environment. The difference between the two types of placement can amount to as much £60,000.

3.5.3 The delivery of volume discounts by aggregating the nine boroughs' spend will support the delivery of further savings for Brent.

3.5.4 A number of risks exist in managing and getting the most from this complex market. The success of the IFA Framework will rely on effective coordination between West London boroughs and careful management of placement decisions. Nonetheless, the risks attached to inaction or reverting to a spot purchase procurement of IFAs at the individual borough level exceed the risks associated with the IFA Framework.

### 3.6 **Tender process**

3.6.1 The tender was conducted by Hillingdon's Corporate Procurement Unit in conjunction with officers from Social Care Health & Housing Directorate, Central Services Directorate, Officer's from the WLA



Children's Efficiency Programme and a group of Officers from other West London boroughs. Brent's representatives were Neil Macdonald, Head of Commissioning, Children's Services and Chris Japtha, Senior Category Manager, Legal and Procurement, Tony Jain, Senior Category Manager, Legal and Procurement.

3.6.2 The service is classed as a Part B service and therefore not subject to the full rigours of the EU advertising requirements. However, the tender followed an open process (incorrectly described in the Hillingdon Cabinet Report of 20 June 2013 as a restricted procedure). An advert was placed in Supply 4 London and OJEU (copy attached at Appendix 3) and 51 tenders were received from IFAs.

3.6.3 Providers were required to answer questions and submit documentation to support their tender response in the following sections: Appendix 1 details scores and rankings achieved by suppliers At each stage of the process.

### **Section 1: Company Information, Compliance & Probity**

3.6.4 Providers were required to pass all questions in this section, which were drawn from Hillingdon's standard templates and covered the following areas:

- Company Profile
- Compliance & Probity
- Financial Risk
- Corporate Responsibility
- Health & Safety

3.6.5 50 providers met the requirements of this section and moved on to Section 2.

### **Section 2: Technical Capabilities/Supplier Previous Experience**

3.6.6 Providers were required to score a minimum of 60% on Safeguarding questions and an overall minimum score of 60% for the section. Providers were tested with regard to their experience in the following areas:

- Ofsted Judgement
- Response to most recent judgement
- Current Circumstances
- Consortium & Sub-Contracting (if applicable)
- Recruitment & Retention
- Safeguarding

3.6.7 33 providers met the requirements of this section and moved on to Section 3.

### **Section3: Technical Capabilities/Supplier Service Delivery Against Specification**

3.6.8 Providers were tested on their ability to deliver fostering services in the following areas:

- Services to Children & Young People
- Services to the Contracting Authority
- Support Services
- Policies & Procedures
- Questions developed by young people in care (or formally in care)

3.6.9 The table at Appendix 1 page 3 outlines the minimum, maximum and average scores for each set of questions in Section 3 and the maximum available score for each question set.

#### **4.0 Financial Assessment**

4.1 The financial component of the tender has been evaluated on the following basis:

- Lot Pricing
- Sibling Discount
- Cost/Volume Discount
- Permanency Discount

4.2 Based on a 60/40 split between price and quality, the tenderers listed in Appendix 4 were recommended to be appointed to the IFA Framework.

#### **5.0 Financial Implications**

5.1 The estimated value of call-off contracts under the IFA framework for Brent is (£3.9m) per annum, £15.6m over the four year term. Call-off contracts under the IFA Framework are expected to cover 50-60% of placements (moving to 70% of new placements) and the gross spend covered by call-off contracts is anticipated to be £10.3m. The contract arrangements are anticipated to deliver immediate savings of £83,468 on day one for existing placements, i.e. more expensive placements will reduce to tendered rates and those that are already cheaper will remain on their existing rates. If zero inflation is assumed, the anticipated saving over 4 years is £183,235. The IFA Framework fixes prices for 2 years and, if we assume that without the framework contract prices increased by 2% over years 1 and 2, the fixing of prices would deliver a saving to Brent of £548,240 over 4 years. Attached at Appendix 2 is a full breakdown of the savings to be achieved by all West London Authorities.

5.2 It is anticipated that the cost of these call-off contracts under the IFA Framework will be funded from Children and Families' existing Looked After Children's Placement Budget.

## **6.0 Legal Implications**

- 6.1 The tender exercise to procure the IFA Framework was led by Hillingdon on behalf of WLA member Boroughs and therefore in accordance with the WLA protocol; following that Hillingdon's own contract standing orders and financial regulations.
- 6.2 Independent Fostering Agency services are classed as part B services and therefore not subject to the full rigours of the EU procurement regime save that the requirement must be advertised, a technical specification produced and a contract award notice placed at the end of a tendering exercise.
- 6.3 The estimated value of call-off contracts to be made by Brent from the IFA framework is such that the IFA Framework agreement is classed as a High Value Contract under Brent's Contract Standing Orders and Financial Regulations. CSO 85(c) (ii) indicates that any collaborative procurement for a High Value Contract shall comply with the Brent's Contract Standing Orders and Financial Regulations unless the agreement of the Executive is obtained under CSO 84(a). Due to an administrative oversight an Executive Report requesting authority to participate in the WLA collaborative procurement exercise and use the lead Borough's Standing Orders and Financial Regulations was not sought by Officers.
- 6.4 Brent's CSO 86(d) (ii) sets out a procedure for calling off contracts from framework agreements established by another contracting authority. There is a requirement under CSO 86(d) (ii) for the Director of Legal and Procurement to advise that participation in the framework agreement is legally permissible. The Director of Legal and Procurement has had access to information about the tender process and procedure for accessing and calling off the IFA Framework and can advise that participation is legally permissible. CSO 86(d)(ii) additionally requires that each time a call-off is recommended by the relevant Chief Officer from such framework, advice from the Director of Legal and Procurement must be obtained to confirm that participation in the framework is legally permissible. As detailed at paragraph 3.4.4, Officers consider that this has the potential to delay the placing of children. In the circumstances Officers recommend that there are good operational reasons to seek an exemption pursuant to CSO 84(a) from the requirement to seek advice from the Director of Legal and Procurement to confirm that participation in the IFA Framework is legally permissible in respect of each and every call-off.

## **7.0 Diversity Implications**

- 7.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

## **8.0 Staffing/Accommodation Implications (if appropriate)**

- 8.1 The service is provided by external contractors and there are no staffing implications for the Council.

## **9.0 Background Papers**

- 9.1 Appendix 3 is a copy of the advert placed by Hillingdon.  
Appendix 4 is a list of tenderers to be awarded framework contracts

### **Contact Officers**

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[Krutika.pau@brent.gov.uk](mailto:Krutika.pau@brent.gov.uk)



### Appendix 3: Copy of advert placed by Hillingdon

#### **GB-Uxbridge: Independent Fostering Services Framework** Competitive Contract Notice

1. *Title:* GB-Uxbridge: Independent Fostering Services Framework
2. *Awarding Authority:*  
London Borough of Hillingdon  
Civic Centre, High Street, Uxbridge, UB8 1UW, United Kingdom  
Tel. +44 1895 250111  
Email: [asmith1@hillingsdon.gov.uk](mailto:asmith1@hillingsdon.gov.uk)  
URL: [www.hillingsdon.gov.uk](http://www.hillingsdon.gov.uk)  
Contact: [www.procure4london.gov.uk](http://www.procure4london.gov.uk)
3. *Contract Type:* Services
4. *Description:* Social work and related services. Social work services. The London Borough of Hillingdon on behalf of West London Alliance authorities is tendering a Framework for the provision of Independent Fostering Agencies in three lots, namely:
  - 1) Core Fostering
  - 2) Parent and Child Fostering
  - 3) Specialist Fostering
5. *CPV Codes:*  
85300000 - Social work and related services.  
85310000 - Social work services.
6. *NUTS Codes:*  
UKI23 - Outer London - West and North West
7. *Main Site or Location of Works, Main Place of Delivery or Main Place of Performance:* Outer London - West and North West,
8. *Reference Attributed by the Awarding Authority:*
9. *Estimated Value of Requirement:* Category B: 100M to 400M  
Currency: GBP
10. *Deadline for Expression of Interest:* 07/01/2013 12:00:00
11. *Address to which they must be sent:*  
London Borough of Hillingdon  
Civic Centre, High Street, Uxbridge, UB8 1UW, United Kingdom  
Tel. +44 1895250111  
Email: [asmith1@hillingsdon.gov.uk](mailto:asmith1@hillingsdon.gov.uk)  
URL: [www.hillingsdon.gov.uk](http://www.hillingsdon.gov.uk)  
Contact: [www.procure4london.gov.uk](http://www.procure4london.gov.uk)
12. *Other Information:*  
Other Information:

## Appendix 4: List of tenderers.

Lot 1 – Core Fostering	Lot 2 – Parent & Child Fostering	Lot 3 – Specialist Fostering
<b>Tier 1</b>	<b>Tier 1</b>	<b>Tier 1</b>
Sunbeam	Nexus	Brighter Futures
Nexus	Greater London	Bridging Gaps
Pride Fostering	Sunbeam	Nexus
The National Fostering Agency	Pride Fostering	Pride Fostering
UK Fostering	Ethelbert	Sunbeam
Chrysalis Care	Integrated Services Programme	Foster Care Associates (FCA)
Foster Care Associates (FCA)	The National Fostering Agency	By the Bridge
Cornerways	Brighter Futures	Ethelbert
Brighter Futures	UK Fostering	UK Fostering
Time for Children	Cornerways	Capstone
Capstone	Chrysalis Care	Chrysalis Care
Bridging Gaps	Bridging Gaps	The National Fostering Agency
Children First Fostering	By the Bridge	St Christopher's
Family Placement	Rainbow	<b>Tier 2</b>
Rainbow	Capstone	Foster care UK
Next Step	Family Placement	Fostering Outcomes
<b>Tier 2</b>	<b>Tier 2</b>	Family Placement
Ethelbert	Fostering Options	Rainbow
By the Bridge	Foster Care Associates (FCA)	Greater London
Fostering Options	Fostering Outcomes	Families for Children
Families for Children	Children First Fostering	Children First Fostering
Fostering Solution	Next Step	Integrated Services Programme
Foster care UK	Fostering Solution	Fostering Options
Fostering Outcomes	Families for Children	Hillcrest
Outlook	Foster care UK	Fostering Solution
St Christopher's	St Christopher's	Kites
Hillcrest	Futures for Children	Futures for Children
Greater London	Hillcrest	
The Fostering Foundation	Time for Children	
Futures for Children	The Fostering Foundation	
Safehouses	Outlook	


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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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 <p><b>Brent</b></p>	<p><b>Executive</b> 15 July 2013</p> <p><b>Report from the Director of Children and Families and Strategic Director Regeneration and Growth</b></p>
<p>Wards Affected: ALL</p>	
<p><b>Determination proposal to permanently expand primary schools in Brent</b></p>	

## 1.0 Summary

1.1 This report informs the Executive of the outcome of the statutory proposals to alter the following schools through permanent expansion from September 2014 and recommends that they be approved:

- Preston Park Primary School (Community) by one form of entry
- Harlesden Primary School (Community) by two forms of entry

1.2 The Representation period on the proposals ended on 13 June 2013 for both schools.

1.3 Brent Council in agreement with the Governing Body Preston Park Primary School has proposed to alter the school by adding one form of entry. The current capacity of the school is 630 and the proposed capacity will be 840. The current admission number for the school is 90 and the proposed admission number will be 120. This school currently has several bulge/temporary classes which means the number of children on roll currently is 793.

1.4 Brent Council in agreement with the Governing Body of Harlesden Primary School has proposed to alter the school by adding two forms of entry. The current capacity of the school is 210 and the proposed capacity will be 630. The current admission number for the school is 30 and the proposed admission number will be 90.

## 2.0 Recommendations

The Executive is recommended to:

2.1 Approve the permanent expansion of Preston Park Primary School (Community) by one form of entry from September 2014, conditional upon the grant of full planning permission under the Town and Country Planning Act 1990 by the end of October 2013 or other such date as agreed by the Director of Children and Families and the Strategic Director of Regeneration and Growth.

- 2.2 Approve the permanent expansion of Harlesden Primary School (Community) by two forms of entry from 7 January 2013, conditional upon the grant of full planning permission under the Town and Country Planning Act 1990 by the end of October 2013 or other such date as agreed by the Director of Children and Families and the Strategic Director of Regeneration and Growth.
- 2.4 Note that the reason for approving the alteration of Preston Park Primary and Harlesden primary schools is to provide permanent primary places in areas of the borough which have severe shortages of Reception and Year 1 school places.

### **3.0 Detail**

#### **3.1 Background**

- 3.1.1 Brent Council has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area.
- 3.1.2 According to the GLA projection of school rolls (based on the January 2013 pupil census data), the number of four year olds on roll is expected to rise to 4264 by January 2018 from the current number of 3804 on roll (provisional January 2013 pupil census data). This is an increase of 461 pupils (12%) within a space of 5 years.
- 3.1.3 In the last four academic years, the GLA projections have proved decreasingly accurate for primary school rolls and has not captured fully the actual rise in demand for primary school places. This is generally the case across London authorities, which are being caught by extremely high numbers of applications for Reception and Year 1 places.
- 3.1.4 On time Reception applications received for the 2013/14 academic year totalled 3792, a 2% increase on the on time applications for the current 2012/13 academic year (3717). 3617 on time applications were received for the 2011/12 academic year. On average approximately 10 late applications are received between the closing date in January and the start of term in September each year.
- 3.1.5 The demand for school places is mainly driven by:
- Housing growth;
  - Increased density of use of existing housing stock;
  - Inward economic and other migration;
  - Decreasing availability of places in neighbouring boroughs;
  - Increased live births and fertility rates
- 3.1.6 Following the temporary and permanent expansions already carried out, currently all children arriving in Brent are receiving an offer of a school place but delays in parents taking up the places available and the reluctance of some parents to travel to the schools offered lead to some unplaced children and a net deficit of places in Year 1, with Reception very tight.
- 3.1.7 The report presented to Executive on 20 May 2013 sets out the Council's overall programme for school expansion to meet need and the funding which is in place from DfE and other sources to meet the need for growth in places.

- 3.1.8 In making decisions about the delivery of additional school places, the Council has established a set of planning principles. In June 2011, the Council consulted with the schools on these planning principles. Subsequently, a short list of schools based on the local area of demand was derived from the long list of schools based on the following criteria:
- shortage of school places in a local area;
  - physical expansion of a school on a permanent basis deemed to be feasible;
  - risk associated with the expansion of the specific schools including likelihood of planning consent;
  - availability of funding to expand the school.
- 3.1.9 Educational standards have also been taken into account and the schools' capacity to cope with the expansion, while raising standards. Ideally the council would only be expanding good and outstanding schools. Preston Park school is rated Good by Ofsted. Harlesden Primary School received 'requires improvement' in its most recent Ofsted report but the School Improvement Team has taken the view that the expansion of the school can be managed in a way which will support positively the improvement of the school. The Council has had to expand schools which are not good/outstanding because of the sheer scale of demand and this has not proved detrimental to those schools.
- 3.1.10 In August 2012 (as amended at Executive in May 2013) the Executive approved the strategy for the delivery of primary school places, which included the permanent expansion schemes at Preston Park Primary School (1FE) and Harlesden Primary School (2FE). The statutory consultations commenced in February 2013 and the architects began developing the previously completed feasibility studies into fully designed schemes in April 2013. New places will be available at the schools by September 2014.
- 3.1.11 In order to meet the shortage of primary places, the school expansions are being designed using a mixture of traditional and innovative off-site modular solutions with at least a 60 year design life. The designs are currently being developed to ensure that the schools would be built in the most efficient way, with sustainable standards, such as, BREEAM Very Good and with natural ventilation, where possible.
- 3.1.12 This means that the Council will be able to complete the permanent building works for both schools in time for the September 2014 academic year.

## **3.2 Proposals to alter the two primary schools**

- 3.2.1 The proposals comply with the Government's guidance on school expansions and their current agenda for raising standards, innovation and transforming education and in the process meet area and design guidance standards as detailed in Building Bulletin 99 and subsequent EFA baseline designs, where feasible.
- 3.2.2 The expansion of Preston Park and Harlesden primary schools are fully in line with the aim of the guidance and the wish of the Secretary of State that local authorities provide school places where demand is high. The schools serve a wide range of ethnic minority children, both boys and girls, and the proposals will be of benefit to them. As this is an expansion of school places there is no adverse impact to any disadvantaged group.
- 3.2.3 The expansion of Preston Park and Harlesden primary schools will increase the choice available to local parents and residents in an area of demand. The proposals will

increase diversity of provision and enable the local authority to meet its statutory duty to provide school places to all resident pupils.

- 3.2.4 Both are popular primary schools. The local authority is confident that sufficient number of applications will be received for the permanent primary provision.
- 3.2.5 The travel arrangements for existing pupils are not changed for pupils at the two schools. However, the expansion of provision will enable more Brent pupils to be educated in general nearer to where they live. A full traffic assessment is being carried out, which will inform the planning application and school travel plan.
- 3.2.6 Additional classrooms and facilities will be provided to support the educational standards in both schools for all pupils and staff. The expansion will provide:
- a safe and secure environment
  - a healthy environment with properly ventilated, appropriately sized classrooms with easy access to outside space (where possible and required).
  - spaces to maximise natural daylighting and control sunlight, to maximise thermal comfort, control glare and provide a suitable internal environment.
  - environmentally friendly and efficient spaces
  - minimal loss of 'down-time' i.e travel to core facilities, toilets, etc. within at least the expanded building.
  - allow a variety of learning experiences - individual, group, class, year group, quiet spaces internal and external in line with the requirements of the EFA baseline designs.
  - Maximised use of existing outdoor playing space and enhancement where possible and required.
  - Enhanced opportunity for the community to become involved in the school and support the children's learning
  - Classrooms to support easy access to ICT provision.
- 3.2.7 Area analysis of the sites has been carried out to ensure the new accommodation would meet the guidelines for new school accommodation. The target of 'very good' is being aimed for, Building Research Establishment Environmental Assessment Method (BREEAM) accreditation subject to planning requirements.
- 3.2.8 Subject to planning application approval and detailed programme review, it is anticipated that, the building works for both schools will commence in January 2014.
- 3.2.9 No change to the existing SEN provision is being proposed for either of the schools. The proposals will comply with the standards, quality and range of educational provision for children with special educational needs in the proposed expansion of primary provision. The proposals will fully meet the requirements of the SEN Code of Practice and the accessibility standards.

### 3.3 Preston Park Primary School

- 3.3.1 Preston Park Primary School is located at College Road, Wembley, HA9 8RJ. It is a Community school using the admission arrangements set by the Local Authority. It offers non-denominational mixed gender places for students aged 3-11years.
- 3.3.1 The Local Authority in agreement with the governing body published a proposal to expand Preston Park Primary School by one form of entry from September 2014.
- 3.3.2 Upon implementation of the proposal, Preston Park Primary School would provide 30 new permanent Reception places from 1 September 2014, subject to planning permission due to the building constraints. The expansion will provide an additional

class in each year group (210 new primary places in total per school) with an increase of 30 permanent places in each year group starting at Reception age in September 2014 and rising to Year 6 by September 2020.

- 3.3.3 If the proposals are accepted conditional upon the granting of planning permission under Part 3 of the Town and Country Planning Act 1990 by the end of October 2013, Preston Park Primary School will offer 4FE provision from September 2014. Its admission capacity will increase from 630 to 840 Reception to Year 6 places, which will support the Council to meet its statutory duty to provide sufficient school places.
- 3.3.4 Preston Park currently runs several temporary classes and a temporary satellite provision. Therefore the school already provides 810 places (630 permanent and 180 temporary). The proposal is to make all 840 places (Reception to Year 6) permanent places.
- 3.3.5 The proposed accommodation for the expansion by one form of entry would be of a permanent high quality construction linked to the existing school building. The EFA Baseline Designs will be used as a guideline for constructing the new extensions to the existing school with Building Bulletin 99 used where appropriate. As a result of the build, the external play space will be reconfigured on the site and a review undertaken of existing temporary accommodation on the school site.

The new Reception class is planned to be available from September 2014. When all building works are also expected to be complete, thereby providing the full capacity of 210 new school places required under the statutory proposal.

#### 3.4 Harlesden Primary School

- 3.4.1 Harlesden Primary School is located at Acton Lane, London, NW10 8UT. It is a Community school using the admission arrangements set by the Local Authority. It offers non-denominational mixed gender places for students aged 3-11years.
- 3.4.2 The Governing Body in agreement with the Local Authority published a proposal to expand Harlesden Primary School by two forms of entry from September 2014.
- 3.4.3 Upon implementation of the proposal, Harlesden Primary School would provide 60 new permanent Reception places only from 1 September 2014, subject to planning permission. The expansion will provide an additional two classes in each year group (420 new primary places in total) but the increase of 60 places in each year group is intended to start at Reception age in September 2014 and rise to Year 6 by September 2020.
- 3.4.4 If the proposals are accepted conditional upon the granting of planning permission under Part 3 of the Town and Country Planning Act 1990 by end of October 2013, Harlesden Primary School will offer 3FE provision from September 2014. Its admission capacity will increase from 210 to 630 Reception to Year 6 places, which will support the Council to meet its statutory duty to provide sufficient school places.
- 3.4.5 The proposed accommodation for the expansion by two forms of entry would be of a permanent high quality construction within the existing school grounds linked to the existing building via covered walkways. There will be some internal reconfiguration within the existing school. The EFA Baseline Designs will be used as a guideline for constructing the new extensions to the existing school, with Building Bulletin 99 used where appropriate. As a result of the build, the external play space will be reconfigured on the site to maximise the opportunities for outdoor play within this site and a rooftop play area is proposed, subject to planning approval, to address any shortfall.

- 3.4.6 The new Reception classes are planned to be available from September 2014 when all building works are also expected to be complete, thereby providing the full capacity of 420 new school places required under the statutory proposal.

### **3.5 Statutory Process**

#### Stage One Consultation

##### 3.5.1 Preston Park Primary School

The Local Authority with the support of the Governing Body of Preston Park Primary School consulted with key interested parties on the alteration proposals. The consultation document is attached as Appendix 1. Over 1200 copies of the consultation document were distributed through hand delivery, email and/or internal/external post. The school distributed the consultation documents by hand to parents, pupils, staff and other interested parties. In addition, a private company was commissioned to hand deliver approximately 400 copies to homes in the areas surrounding the school.

- 3.5.2 Consultation meetings with staff, parents and the community were held at the school on 28 February 2013, details of which can be found in Appendix 2 as attachments.

- 3.5.3 The statutory consultative stage of the proposal to expand by one form of entry thereby increasing the provision to 840 Reception to Year 6 places, completed on 13 June 2013. All applicable statutory requirements to consult in relation to these proposals have been complied.

- 3.5.4 The Preston Park proposal received 32 responses to the consultation. 18 (56%) consultees support the proposal, 9 (28%) consultees expressed concerns and were against the proposal, whilst 5 (16%) remained undecided.

- 3.5.5 Following the end of consultation, the Council agreed to publish the statutory notice (Appendix 3) and full proposal (Appendix 2).

##### 3.5.6 Harlesden Primary School

The Local Authority with the support of the Governing Body of Harlesden Primary School consulted with key interested parties on the alteration proposals. The consultation document is attached as Appendix 4. Over 800 copies of the consultation document were distributed through hand delivery, email and/or internal/external post. The school distributed the consultation documents by hand to parents, pupils, staff and other interested parties. In addition, a private company hand delivered approximately 400 copies to homes in the areas surrounding the school.

- 3.5.7 Consultation meetings with staff, parents and the community were held at the school on 6 March 2013, details of which can be found in Appendix 5 as attachments.

- 3.5.8 The statutory consultative stage of the proposal to expand by two forms of entry thereby increasing the provision to 630 Reception to Year 6 places completed on 20 March 2013. All applicable statutory requirements to consult in relation to these proposals have been complied.

- 3.5.9 The proposal received 10 responses to the consultation. 2 (20%) consultees support the proposal, 7 (70%) consultees expressed concerns and were against the proposal, whilst 1 (10%) remained undecided.

- 3.5.10 The relatively high number of adverse responses to the Harlesden consultation came mainly from local residents. Their concerns included: the site is not big enough, it will be detrimental to the quality of educational experience and child welfare for the 15 July 2013 meeting



pupils of the school, all energies of the Head, staff and governors should be directed towards the improvement of the school towards Good or even Outstanding OFSTED inspection. Full responses can be found at the back of Appendix 5.

- 3.5.11 Following the end of consultation, the Council agreed to publish the statutory notice (Appendix 6 and full proposal (Appendix 5).

### **Publication of Statutory Notice and Representation Period**

- 3.5.12 Following the consultation stages outlined above, the Local Authority with the support of the governing bodies of Preston Park Primary School and Harlesden Primary School published the Statutory Notices in two local newspapers on 16 May 2013 for altering the schools by expanding Preston Park Primary School by one form entry and Harlesden Primary School by two forms of entry from September 2014.
- 3.5.13 The Council is estimating that the planning permission would be granted under Part 3 of the Town and Country Planning Act 1990 by the end of October 2013. Hence, the Executive is requested to approve the expansion of Preston Park and Harlesden primary schools from September 2014, conditional upon the granting of planning permission and in accordance with Regulation 38 (1) (a) of the School Organisation Regulations.
- 3.5.14 Copies of the full statutory proposals are attached as Appendices 2 and 5 and the statutory notices as Appendices 3 and 6.
- 3.5.15 The statutory notices were followed by a 4 week statutory period (Representation stage), which ended on 13 June 2013, during which representations (i.e. objections or comments) could be made. The representation period is the final opportunity for residents and organisations to express their views about the proposal and ensures that they will be taken into account by the Executive when the proposal is determined.

### **Responses received during the Representation Stage:**

- 3.5.16 Three representations were received for the two schools during the 4 week statutory period as outlined below:

	Agree	Disagree
Preston Park	0	1
Harlesden	0	2

All three representations can be found in Appendix 7.

## **3.6 Next Steps**

- 3.6.1 The anticipated dates for the key project milestones following a decision by the Executive to determine this proposal to alter Preston Park and Harlesden primary schools are set out in the timetable below:

Milestone	Date
Executive Decision to expand the schools	15 July 2013
Planning Application submitted	26 July 2013

Planning Approval anticipated by	31 October 2013
Award of contract for building works by Executive	Mid-November 2013
Reception class with 30 new places commences on	1 September 2014
Building work finishes	31 July 2014
Full New Capacity (R-Y6) available from	September 2014

#### 4.0 Financial Implications – Finance to review and update

The report submitted to the May 2013 meeting of the Executive provided an update on the school expansion programme with a focus on optimising the use of available funding. The total main capital allocation available to spend by the end of 2014-15 on new school places is £87.99m, including new and the balance of prior year grant allocations as well as Section 106 and Schools contributions but excluding allocations agreed to deliver Phase 1 primary expansion.

- 4.1 Estimated costs for all proposed primary expansions were provided in the August 2012 Executive report. The budget for Preston Park has been reduced to reflect the change in size of expansion from 2FE in August 2012 to 1FE now. These are shown below with an update on the current budget allocation:

School	Estimated capital project cost (August 2012)	Current estimated capital project
Preston Park Primary School	£9m	£4.5m
Harlesden Primary School	£7m	£7m

- 4.2 The expansion of pupil numbers at each of the proposed schools will result in increased revenue costs associated with the increased provision. These costs will be met from the individual school's budget, which will increase proportionately based on the formula allocation from the DfE.

#### 5.0 Legal implications

- 5.1 The procedure for the enlargement of Preston Park Primary School and Harlesden Primary School is as required by The Education and Inspections Act 2006 (as amended by the Education Act 2011) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 as amended. The Local Authority is entitled to make prescribed alterations to Preston Park Primary School and Harlesden Primary School pursuant to powers granted by The Education and Inspections Act 2006, Sections 18 and 19 and in accordance with Schedule 4 Part 1 and Schedule 5 of the Regulations.
- 5.2 The Authority has the power to consider and determine proposals published under Section 19 of The Education and Inspections Act 2006, pursuant to Section 21 (2) (f) of the Act and in accordance with Regulation 30 of The School Organisation Regulations 2007 as amended.
- 5.3 Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a local education authority has a general statutory duty to
- 15 July 2013 meeting

ensure that there are sufficient school places available to meet the needs of the population in its area. LA must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them.

- 5.4 The Brent Executive acting on behalf of the Brent Local Authority is the Decision Maker pursuant to The Education and Inspection Act 2006 Section 21 (2) (f) and schedule 3 paragraph 30 of the School Organisation Regulations.
- 5.5 The Executive would need to have regard to Guidance issued by the Secretary of State before making a decision upon this proposal. Paragraphs 4.1 to 4.80 of the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form is applicable.
- 5.6 If the Local Authority fail to decide proposals within 2 months of the end of the representation period the Local Authority must forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They must forward the proposals within one week from the end of the 2 month period.

#### **5.7 Decision Making:**

- 5.8 There are 4 key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals:

- Is any information missing? If so, the Decision Maker should write immediately to the proposer specifying a date by which the information should be provided.

**All necessary information has been provided.**

- Does the published notice comply with statutory requirements?

**The statutory notice is complete and in line with the statutory requirements. The four week statutory representation period closed on 13 June 2013.**

- Has the statutory consultation been carried out prior to the publication of the notice?

**All applicable statutory requirements to consult in relation to the proposal have been complied with.**

- Are the proposals "related" to other published proposals?

**Preston Park Primary School and Harlesden Primary School proposals are being carried out at the same time but are not dependent or 'related' to each other or other proposals.**

#### **5.9 Types of Decision**

- 5.10 All decisions must give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

- 5.11 In considering prescribed alteration proposals, the Decision Maker can decide to:
- reject the proposals;
  - approve the proposals;
  - approve the proposals with a modification (e.g. the implementation date); or
  - approve the proposals subject to them meeting a specific condition.
- 5.12 The following bodies may appeal against an LA decision:
- The local Church of England diocese;
  - The Bishop of the local Roman Catholic diocese;
  - The governing body of the Community School that is proposed for expansion.
- 5.13 Any appeals must be submitted to the LA within 4 weeks of the notification of the LA decision. On receipt of an appeal the LA must then send the proposals and the comments and objections received, to the schools adjudicator within 1 week of receipt of the appeal. The LA should also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals must also be sent to the schools adjudicator.
- 5.14 Procurement: The construction contract/s associated with these expansions will be addressed as part of the wider primary school expansion, with preference to undertake one procurement exercise for a construction contract covering all schemes within the same phase of the programme. Appropriate procurement routes are currently being reviewed with LBB Procurement and Legal Services and a further report will be brought to the Executive in accordance with Council Standing Orders for approval to procure and approval to award any contract.

## **6.0 Diversity Implications**

- 6.1 The schools proposed for expansion have an ethnically diverse pupil population and catchment of pupils who need places. Expanding Preston Park and Harlesden primary schools would enable the Council to provide additional new places required for Brent's growing pupil population.
- 6.2 The expansion will improve choice and diversity. The impact on Equalities will be kept under review and reported as the school expansion programme is reviewed.
- 6.3 The joint Equality Impact Assessment for the schools has been completed for Preston Park and Harlesden primary schools.

## **7.0 Staffing Issues**

- 7.1 With the expansion of pupil numbers there is likely to be an expansion of posts rather than a reduction. The costs relating to the need to provide for additional pupils will be covered by the schools' budgets.

## 8.0 Background Papers

- Equality Impact Assessment for all schools consulting during 2013 to change their character
- Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form
- Research Study - A Good School Places for Every Child in Brent, 2008  
<http://intranet.brent.gov.uk/consultation.nsf/0/38c39cab7915e95c802573b8003feb74?OpenDocument>

## 9.0 Appendices

Appendix 1	Preston Park Primary School – consultation document
Appendix 2	Preston Park Primary School – full statutory proposal document
Appendix 3	Preston Park Primary School – statutory notice
Appendix 4	Harlesden Primary School – consultation document
Appendix 5	Harlesden Primary School – full statutory proposal document
Appendix 6	Harlesden Primary School – statutory notice
Appendix 7	Representations against the expansion of Preston Park and Harlesden

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## A Public Consultation

### Proposed Expansion of Preston Park Primary School

#### 1. Introduction

Preston Park Primary School is a community school located in the north west of the borough. It provides school places to 630 boys and girls between the ages of 4 – 11. There is also a nursery with 60 part time places.

Currently, the demand for school places in Brent, as with many outer London boroughs, is increasing. The demand for primary places in the north of the borough specifically has led to the proposal to expand Preston Park Primary School.

Therefore Brent Council in partnership with the Governing Body of Preston Park Primary School is consulting with staff, parents and the community on the option to expand the school by one form of entry (4FE). The expansion will provide an additional 30 places in each year group (210 new primary places in total). At full capacity the school will have 840 places (Reception to Year 6).

The school currently runs several temporary classes and a temporary satellite provision. Therefore the school already provides 810 places (630 permanent and 180 temporary). This consultation is to make all 840 places permanent places as demonstrated below.

#### The current places in the school 2012/13 academic year

	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Permanent	90	90	90	90	90	90	90	630
Temporary	60	0	30	0	30	30	30	180

#### The available places in the school by 2019/20 academic year

	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Permanent	120	120	120	120	120	120	120	840
Temporary	0	0	0	0	0	0	0	0

## 2. The proposal

Brent Council is proposing to expand Preston Park Primary School, College Road, Wembley, HA9 8RJ by one form of entry (210 additional places), taking the school capacity from 630 permanent places (Year R – Year 6) to 840 permanent places (Year R – Year 6). The school will continue to provide a nursery with 60 part time places.

The expansion of the school is intended to commence in September 2014 with an increase of 30 permanent places per academic year at Reception age.

The proposed accommodation for the expansion by two forms of entry would be of a permanent high quality construction linked to the main school building. It will be built to optimise educational standards.

## 3. The growing number of primary school pupils

The number of children seeking a primary school in Brent is increasing year on year. This is due to several factors e.g. the renewed popularity of Brent schools, the inward migration of families into the borough, the new housing developments throughout the borough attracting new families and the rising birth and fertility rates. As a result, in areas of high demand there are insufficient school places.

## 4. New primary school places

In June 2011 the Local Authority consulted with all primary schools in the borough to explore the possibility of increasing the number of school places. It has been evident that the demand for Reception places would be greater than the number of available places. This assessment was based on the number of on-time and ad hoc admissions applications received by the Local Authority, the current forecast of student numbers and local factors such as feedback from schools.

Subsequently, the Local Authority reviewed capacity constraints at all primary schools and identified the maximum need for school places in the local areas. Discussions took place with schools which were suitable and willing for expansion. This was followed by an initial feasibility assessment.

Since 2005 the Local Authority has analysed the increased demand for school places and created a programme to increase primary places through permanent expansion of schools and temporary classes. The table below demonstrates how many permanent and temporary primary places have been created since September 2006.

Total number of additional places (Reception to Year 6)	Permanent places (Reception to Year 6)	Temporary places (Reception to Year 6)
4164	Page 92 3923	741



	<p>Despite adding new places, there remains a shortfall of Reception places in the borough. As at 11 January 2013, there were 201 primary aged children without a school place for the 2012/13 academic year. Of which 54 were Reception age (4 years old).</p>
5.	<p><b>The need for more primary school places in the future</b></p> <p>In August 2011, Brent Council carried out a review of primary school places which estimated that an additional 15 forms of entry (15FE) will be required in Brent by 2014/15 - an estimate of 450 places in each year group. The pressure of increasing demand is already evident with few places available in Brent's 60 primary schools. Brent Council is supportive of the proposed expansion of Preston Park Primary School to help address the shortage of primary school places.</p> <p>Demand continues to increase in the north of the borough and a permanent increase from 3 to 4 forms of entry will help satisfy some of that demand. It is also anticipated that the increased demand for primary school places will eventually create a shortage of secondary school places.</p> <p>The rising demand for primary school places is posing a serious challenge in Brent. Brent Council is working closely with local schools and together we are doing everything we can to provide more places for the borough's pupils.</p> <p>Over the next four years, we will be investing around £90 million with aim of offering a primary place to every local child who needs one.</p>
6.	<p><b>We would like to hear from you</b></p> <p>Brent Council and Governors of Preston Park Primary School are at the moment consulting all interested parties including parents and staff at the school, all schools in Brent and neighbouring boroughs with an aim to receive feedback on the proposal.</p> <p>We would welcome your views on the proposal to expand the school by 1FE. If you have any comments that you would like to make in relation to this proposal, you can either use the attached tear-off response form or write to:</p> <p style="text-align: center;"><b>Judith Joseph 3<sup>rd</sup> Floor Chesterfield House 9 Park Lane Wembley Middlesex HA9 9RH</b></p> <p><b>Or</b></p> <p>Send an email to: <b>judith.joseph@brent.gov.uk</b></p>

	<p>Copies of this consultation document are also available at the school reception and from Brent Council at Chesterfield House, 9 Park Lane, Wembley, HA9 7RH.</p> <p>Alternatively, this document can be downloaded from:</p> <p><a href="http://www.brent.gov.uk/currentconsultations">http://www.brent.gov.uk/currentconsultations</a></p> <p>A limited translation service can be provided for this document on request to <a href="mailto:judith.joseph@brent.gov.uk">judith.joseph@brent.gov.uk</a></p> <p>All written comments must be received by: <b>Wednesday 20 March 2013</b></p>
<p><b>7.</b></p>	<p><b>You can also attend a public meeting for parents, carers and the community which has been arranged to discuss the proposed expansion of Preston Park Primary School.</b></p> <p><b>Date:</b>      <b>Thursday 28 February 2013</b></p> <p><b>Time:</b>      <b>7pm</b></p> <p><b>Venue:</b>    <b>The Main Hall</b>  <b>Preston Park Primary School</b>  <b>College Road</b>  <b>Wembley</b>  <b>HA9 8RJ</b></p>
<p><b>8.</b></p>	<p><b>The procedures for reorganisation</b></p> <p>Brent Council in partnership with Preston Park Primary School intends to meet with staff, parents and the local community, to receive their views.</p> <p>If, after the consultation, the school's Governing Body decides to proceed with the expansion then a statutory proposal will be published in the local papers and will also be placed at public places e.g. the Town Hall and on the main entrances to Preston Park Primary School.</p> <p>Thereafter a 4 week representation period will commence during which anybody can write to make formal representations on the proposals. Representations can be in the form of support, suggestions or objections to the proposal. All representations will be presented to Brent Council's Executive Committee which will make a decision on the proposal.</p>

## **9. Consultees**

This document is being sent to:

Preston Park Primary School: parents, staff, governors and student council  
All maintained schools and Academies in Brent  
Brent Council  
Westminster Diocesan Education Service  
London Diocesan Board for Schools  
London Borough of Ealing  
London Borough of Barnet  
London Borough of Camden  
London Borough of Harrow  
London Borough of Hammersmith and Fulham  
London Borough of Westminster  
Royal Borough of Kensington and Chelsea  
Local Resident Associations  
All Councillors  
Local Member of Parliament  
All Brent Customer Service Shops  
All Brent Libraries  
All Brent Children Centres  
Sport England  
Secretary of State, School Organisation Unit  
Local private nurseries  
Any trade unions who represent staff of Preston Park Primary School  
Representatives of main trade unions in Brent  
Early Years and Family Support Service  
Early Years Quality and Improvement Team  
Parent and Toddler groups in the area  
Kew Tuition

## Preston Park Primary School Consultation Response Slip

Please tear off and return by: **Wednesday 20 March 2013**

I agree / disagree with Brent Council to expand the school by one form of entry (1FE). *Delete as appropriate*

**Comments:**

*(Please use the back of this form if you require more space)*

**Signed .....**

**Parent / member of staff / other .....please specify**

**Please send to:**

**Judith Joseph  
3<sup>rd</sup> Floor Chesterfield House  
9 Park Lane  
Wembley  
Middlesex HA9 9RH**

**Or email                   judith.joseph@brent.gov.uk**

## Comments continued:

### About you

By answering the following questions, you will help us ensure that we deliver a fair service to all our community. You do not have to give us this information, but we hope you will. All information will be treated in the strictest of confidence and will only be used to monitor and improve Brent Council services.

### Gender (please tick one):

Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
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### My age group (please tick one):

16-24	<input type="checkbox"/>	25-34	<input type="checkbox"/>
35-44	<input type="checkbox"/>	45-54	<input type="checkbox"/>
55-64	<input type="checkbox"/>	65-74	<input type="checkbox"/>
75+	<input type="checkbox"/>		<input type="checkbox"/>

### Which one of these groups do you feel you belong to (please tick one)?

Asian Indian	<input type="checkbox"/>	Asian Pakistani	<input type="checkbox"/>
Asian Bangladeshi	<input type="checkbox"/>	Asian Other	<input type="checkbox"/>
Black Caribbean	<input type="checkbox"/>	Black African	<input type="checkbox"/>
Black Other	<input type="checkbox"/>	Chinese	<input type="checkbox"/>
Mixed White and Black Caribbean	<input type="checkbox"/>	Mixed White and Black African	<input type="checkbox"/>
Mixed White and Asian	<input type="checkbox"/>	Mixed Other	<input type="checkbox"/>
White British	<input type="checkbox"/>	White Irish	<input type="checkbox"/>
White Other	<input type="checkbox"/>	Other Ethnic Group	<input type="checkbox"/>

### PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS: Information to be included in a complete proposal

#### Extract of Part 1 of Schedule 3 and Part 1 of Schedule 5 to The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended):

**In respect of an LEA Proposal:** London Borough of Brent, Pupil and Parents Service, 3<sup>rd</sup> Floor Chesterfield House, 9 Park Lane, Wembley, HA9 7RW.

**DFE School No. 304/2039– Preston Park Primary School**

**Statutory Notice published on 16 May 2013**

1. The name, address and category of the school.

Preston Park Primary School (Community) College Road Wembley HA9 8RJ
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#### Implementation and any proposed stages for implementation

2. The date on which the proposals are planned to be implemented, and if they are to be implemented in stages, a description of what is planned for each stage, and the number of stages intended and the dates of each stage.

<p>The Local Authority with the support of the Governing Body of Preston Park Primary School intend to expand Preston Park Primary School from 1 September 2014. Preston Park Primary School will be expanded by one form of entry. The expansion will provide one additional class in each year group (210 new primary places in total). The increase of 30 places in each year group is intended to start at Reception age in January 2014 and rise to Year 6 by September 2020.</p>
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<p>The capacity of the school is currently 630 pupils (3 classes in each year group). The school also has bulge classes (temporary classes) providing an additional 180 places on a temporary basis. These places will become permanent places when the school expands in September 2014.</p>
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#### Objections and comments

3. A statement explaining the procedure for making representations, including —
  - i. the date prescribed in accordance with paragraph 29 of Schedule 5 (LA proposals) of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), by which objections or comments should be sent to the local education authority; and
  - ii. the address of the authority to which objections or comments should be sent.

<p>Within four weeks from the date of publication of the proposal any person may object to or make comments on the proposal in writing by sending them to Judith Joseph, School Place Planning, Children and Families, London Borough of Brent, Chesterfield House, 9 Park Lane, Wembley HA9 7RW. Email: <a href="mailto:judith.joseph@brent.gov.uk">judith.joseph@brent.gov.uk</a>.</p>
--

The proposal was published on Thursday 16 May 2013.

### Alteration description

4. A description of the proposed alteration and in the case of special school proposals, a description of the current special needs provision.

The Local Authority with the support of the Governing Body is proposing to expand Preston Park Primary School by one form of entry from 1 September 2014; this means that the school will become a four form of entry provision and its admission capacity will increase from 630 to 840 Reception to Year 6 places. The current admission number for the school is 90 and the proposed admission number will be 120. The school offers mixed sex provision. In addition the school has a nursery with 60 part time places. Nursery provision will remain unchanged.

On implementation of the proposal, Preston Park Primary School would provide 30 new permanent Reception places from 1 September 2014, subject to planning permission. The expansion will provide an additional class in each year group (210 new primary places in total). The increase of 30 places in each year group is intended to start at Reception age in September 2014 and rise to Year 6 by September 2020. The enlarged Preston Park Primary School will continue to offer mixed provision for pupils in Reception to Year 6 and the Local Authority will remain the admitting Authority for the School.

The expanded school will be suitable for all pupils who currently attend Preston Park Primary School. Every pupil registered at the school on 31 August 2014 who, but for these proposals would have continued their education at Preston Park Primary School will have a place at the enlarged school. Consequently no pupils will be displaced by the alterations proposed for Preston Park Primary School.

All new school building is required to achieve the highest energy standards for sustainable construction. The new extension at Preston Park Primary School will be required to achieve a BREEAM rating of excellent requiring energy use of the proposed and existing building to be efficient and sustainable. The existing school building will be part of the BREEAM assessment and recommendations for improving thermal performance through window replacement lighting heating and fabric improvements will be considered for implementation within the project budget and practical solutions for an existing building.

### School capacity

5. —(1) Where the alteration is an alteration falling within any of paragraphs 1-4, 7, 8, 18, 19 and 21 of Schedule 4 (LA proposals) to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), the proposals must also include —
- i. details of the current capacity of the school and, where the proposals will alter the capacity of the school, the proposed capacity of the school after the alteration;

The school capacity will change from 630 places (Reception to Year 6) to 840 places (Reception to Year 6). The nursery capacity will not change under this proposal.

- ii. details of the current number of pupils admitted to the school in each relevant age group, and where this number is to change, the proposed number of pupils to be admitted in each relevant age group in the first school year in which the proposals will have been implemented;

The current admission number for the school is 90 per year group and the proposed admission number will be 120 per year group

The number of children currently on roll excluding the nursery is 794. These numbers are made up of 630 permanent places and 164 'temporary' places. The 'temporary' places will

officially become permanent places, therefore there will already be 4 classes in some year groups by September 2014. Currently there are 5 Reception classes. Once this cohort of children leave the schools in 6 years time all year groups will have 4 classes only.

As of May 2013 the school has the following pupils on roll:

<b>Year Group</b>	<b>Pupils on roll</b>
Reception	134 (5 classes)
Year 1	90 (3 classes)
Year 2	119 (4 classes)
Year 3	89 (3 classes)
Year 4	123 (4 classes)
Year 5	120 (4 classes)
Year 6	119 (4 classes)

- iii. where it is intended that proposals should be implemented in stages, the number of pupils to be admitted to the school in the first school year in which each stage will have been implemented;

The total number of places available in the 2012/13 academic year are:

<b>Year Group</b>	<b>Places (classes)</b>
Reception	150 (5 classes)
Year 1	90 (3 classes)
Year 2	120 (4 classes)
Year 3	90 (3 classes)
Year 4	120 (4 classes)
Year 5	120 (4 classes)
Year 6	120 (4 classes)
<b>TOTAL</b>	<b>810 places</b>

From September 2014 and every following September there will be 4 Reception classes. Eventually all year groups will have 4 classes only.

- iv. where the number of pupils in any relevant age group is lower than the indicated admission number for that relevant age group a statement to this effect and details of the indicated admission number in question.

N/A

- b. Where the alteration is an alteration falling within any of paragraphs 1, 2, 8, 18 and 19 of Schedule 4 (LA proposals) to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), a statement of the number of pupils at the school at the time of the publication of the proposals.

As at May 2013 there are 794 pupils on roll excluding the nursery pupils. All pupils will remain at the school on a permanent basis but the official count is that 630 of the pupil are occupying permanent places and 164 are in 'temporary' places.

## Implementation

6. Where the proposals relate to a foundation or voluntary controlled school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and, if the proposals are to be implemented by both, a statement as to the extent to which they are to be implemented by each body.



N/A

### Additional Site

7. —(1) A statement as to whether any new or additional site will be required if proposals are implemented and if so the location of the site if the school is to occupy a split site.

Additional land is not required for this expansion. All pupils will be accommodated at the College Road site.

- (2) Where proposals relate to a foundation or voluntary school a statement as to who will provide any additional site required, together with details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease.

N/A

### Changes in boarding arrangements

8. —(1) Where the proposals are for the introduction or removal of boarding provision, or the alteration of existing boarding provision such as is mentioned in paragraph 8 or 21 of Schedule 2 (GB proposals)/7 or 14 of Schedule 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended) —

- i. the number of pupils for whom it is intended that boarding provision will be made if the proposals are approved;

N/A

- ii. the arrangements for safeguarding the welfare of children at the school;

N/A

- iii. the current number of pupils for whom boarding provision can be made and a description of the boarding provision; and

N/A

- iv. except where the proposals are to introduce boarding provision, a description of the existing boarding provision.

N/A

- b. Where the proposals are for the removal of boarding provisions or an alteration to reduce boarding provision such as is mentioned in paragraph 8 or 21 of Schedule 2 (GB proposals)/7 or 14 of Schedule 4 (LA proposals) to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended) —

- i. the number of pupils for whom boarding provision will be removed if the proposals are approved; and

N/A

- ii. a statement as to the use to which the former boarding accommodation will be put if the proposals are approved.

N/A

### Transfer to new site

9. Where the proposals are to transfer a school to a new site the following information—

- i. the location of the proposed site (including details of whether the school is to occupy a single or split site), and including where appropriate the postal address;

N/A

- ii. the distance between the proposed and current site;

N/A

- iii. the reason for the choice of proposed site;

N/A

- iv. the accessibility of the proposed site or sites;

N/A

- v. the proposed arrangements for transport of pupils to the school on its new site; and

N/A

- vi. a statement about other sustainable transport alternatives where pupils are not using transport provided, and how car use in the school area will be discouraged.

N/A

### Objectives

10. The objectives of the proposals.

To create more primary school places. Please see section 24 for a fuller response.

## Consultation

11. Evidence of the consultation before the proposals were published including—
- i. a list of persons who were consulted;
  - ii. minutes of all public consultation meetings;
  - iii. the views of the persons consulted;
  - iv. a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with; and
  - v. made available copies of all consultation documents and a statement on how these documents were

All applicable statutory requirements to consult in relation to this proposal were complied with. The consultation period commenced on 13 February 2013 and ended 20 March 2013. The statutory notice was issued on 16 May 2013.

- i. The consultation document (Appendix 1) was sent to:

Preston Park Primary School: parents, staff, governors and student council  
All maintained schools and Academies in Brent  
Brent Council  
Westminster Diocesan Education Service  
London Diocesan Board for Schools  
London Borough of Ealing  
London Borough of Barnet  
London Borough of Camden  
London Borough of Harrow  
London Borough of Hammersmith and Fulham  
London Borough of Westminster  
Royal Borough of Kensington and Chelsea  
Local Resident Associations  
All Councillors  
Local Member of Parliament  
All Brent Customer Service Shops  
All Brent Libraries  
All Brent Children Centres  
Sport England  
Secretary of State, School Organisation Unit  
Local private nurseries  
Any trade unions who represent staff of Preston Park Primary School  
Representatives of main trade unions in Brent  
Early Years and Family Support Service  
Early Years Quality and Improvement Team  
Parent and Toddler groups in the area  
Kew Tuition

- ii. The minutes of the public consultation meeting are attached in Appendix 2.
- iii. The views of all persons consulted are attached in Appendix 3.
- iv. The Consultation document was distributed by email or internal/external post to the stakeholder listed above. The schools also distributed the consultation documents by hand to parents, pupils, staff and other interested parties. 400 local residents in the immediate vicinity were provided a copy through special local distribution, where possible.
- v. Copy of the consultation document can be found in Appendix 1.

## Project costs

12. A statement of the estimated total capital cost of the proposals and the breakdown of the costs that are to be met by the governing body, the local education authority, and any other party.

The capital costs of the expansion project is estimated at approximately £4.5m including contingency, which is being funded by the local authority from the Council's Main Capital Programme.

13. A copy of confirmation from the Secretary of State, local education authority and the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

Confirmation from DfE on allocation of the funding for Primary Places (Brent Council was allocated £24.8m ) is available at the following link:

<http://www.education.gov.uk/schools/adminandfinance/schoolscapital/capitalreview/a00199873/allocation-of-extra-500-million-to-address-the-shortage-in-pupil-places>

## Age range

14. Where the proposals relate to a change in age range, the current age range for the school.

N/A

## Early years provision

15. Where the proposals are to alter the lower age limit of a mainstream school so that it provides for pupils aged between 2 and 5—
- details of the early years provision, including the number of full-time and part-time pupils, the number and length of sessions in each week, and the services for disabled children that will be offered;

The school is already operating Early Years provision which will continue to be available.

- how the school will integrate the early years provision with childcare services and how the proposals are consistent with the integration of early years provision for childcare;

N/A

- evidence of parental demand for additional provision of early years provision;

N/A

- assessment of capacity, quality and sustainability of provision in schools and in establishments other than schools who deliver the Early Years Foundation Stage within 3 miles of the school; and

N/A

- v. reasons why such schools and establishments who have spare capacity cannot make provision for any forecast increase in the number of such provision.

Additional capacity is being created in the school to meet demand for Reception to Year 6 places only.

### Changes to sixth form provision

16. (a) Where the proposals are to alter the upper age limit of the school so that the school provides sixth form education or additional sixth form education, a statement of how the proposals will—
- (i) improve the educational or training achievements;
  - (ii) increase participation in education or training; and
  - (iii) expand the range of educational or training opportunities for 16-19 year olds in the area;

N/A

- (b) A statement as to how the new places will fit within the 16-19 organisation in an area;

N/A

- (c) Evidence —
- (i) of the local collaboration in drawing up the proposals; and
  - (ii) that the proposals are likely to lead to higher standards and better progression at the school;

N/A

- (d) The proposed number of sixth form places to be provided.

N/A

17. Where the proposals are to alter the upper age limit of the school so that the school ceases to provide sixth form education, a statement of the effect on the supply of 16-19 places in the area.

N/A

### Special educational needs

18. Where the proposals are to establish or change provision for special educational needs—
- i. a description of the proposed types of learning difficulties in respect of which education will be

provided and, where provision for special educational needs already exists, the current type of provision;

N/A

ii. any additional specialist features will be provided;

N/A

iii. the proposed numbers of pupils for which the provision is to be made;

N/A

iv. details of how the provision will be funded;

N/A

v. a statement as to whether the education will be provided for children with special educational needs who are not registered pupils at the school to which the proposals relate;

N/A

vi. a statement as to whether the expenses of the provision will be met from the school's delegated budget;

N/A

vii. the location of the provision if it is not to be established on the existing site of the school;

N/A

viii. where the provision will replace existing educational provision for children with special educational needs, a statement as to how the local education authority believes that the new provision is likely to lead to improvement in the standard, quality and range of the educational provision for such children; and

N/A

ix. the number of places reserved for children with special educational needs, and where this number is to change, the proposed number of such places.

N/A

19. Where the proposals are to discontinue provision for special educational needs—
- details of alternative provision for pupils for whom the provision is currently made;

N/A

- details of the number of pupils for whom provision is made that is recognised by the local education authority as reserved for children with special educational needs during each of the 4 school years preceding the current school year;

N/A

- details of provision made outside the area of the local education authority for pupils whose needs will not be able to be met in the area of the authority as a result of the discontinuance of the provision; and

N/A

- a statement as to how the proposer believes that the proposals are likely to lead to improvement in the standard, quality and range of the educational provision for such children.

N/A

20. Where the proposals will lead to alternative provision for children with special educational needs, as a result of the establishment, alteration or discontinuance of existing provision, the specific educational benefits that will flow from the proposals in terms of—

- improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local education authority's Accessibility Strategy;
- improved access to specialist staff, both educational and other professionals, including any external support and outreach services;
- improved access to suitable accommodation; and
- improved supply of suitable places.

N/A

### Sex of pupils

21. Where the proposals are to make an alteration to provide that a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes—
- details of the likely effect which the alteration will have on the balance of the provision of single sex-education in the area;

N/A

- ii. evidence of local demand for single-sex education; and

N/A

- iii. details of any transitional period which the body making the proposals wishes specified in a transitional exemption order (within the meaning of section 27 of the Sex Discrimination Act 1975).

N/A

22. Where the proposals are to make an alteration to a school to provide that a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only—

- i. details of the likely effect which the alteration will have on the balance of the provision of single-sex education in the area; and

N/A

- ii. evidence of local demand for single-sex education.

N/A

### **Extended services**

23. If the proposed alterations affect the provision of the school's extended services, details of the current extended services the school is offering and details of any proposed change as a result of the alterations.

Early Years and Extended School Groups operating in the school will remain unaffected.

### **Need or demand for additional places**

24. If the proposals involve adding places—

- i. a statement and supporting evidence of the need or demand for the particular places in the area;

In June 2011 the Local Authority consulted with all primary schools in the borough to explore the possibility of increasing the number of school places. It has been evident that the demand for Reception places would be greater than the number of available places. This assessment was based on the number of on-time and ad hoc admissions applications received by the Local Authority, the current forecast of student numbers and local factors such as feedback from schools.

Subsequently, the Local Authority reviewed capacity constraints at all primary schools and identified the maximum need for school places in the local areas. Discussions took place with schools which were suitable and willing for expansion. This was followed by an initial feasibility assessment.



Since 2005 the Local Authority has analysed the increased demand for school places and created a programme to increase primary places through permanent expansion of schools and temporary classes. The table below demonstrates how many permanent and temporary primary places have been created since September 2006.

<b>Total number of additional places (Reception to Year 6) Sept 2006 to May 2013</b>	<b>Permanent places (Reception to Year 6)</b>	<b>Temporary places (Reception to Year 6)</b>
4164	3423	741

Despite adding new places, there remains a shortfall of Reception places in the borough. As at 16 May 2013, there were 215 primary aged children without a school place for the 2012/13 academic year. Of which 44 were Reception age (4 years old).

### **The need for more primary school places in the future**

In August 2011, Brent Council carried out a review of primary school places which estimated that an additional 15 forms of entry (15FE) will be required in Brent by 2014/15 - an estimate of 450 places in each year group. The pressure of increasing demand is already evident with few places available in Brent's 60 primary schools. Brent Council is supportive of the proposed expansion of Preston Park Primary School to help address the shortage of primary school places.

Demand continues to increase in the north of the borough and a permanent increase from 1 to 3 forms of entry will help satisfy some of that demand. It is also anticipated that the increased demand for primary school places will eventually create a shortage of secondary school places.

The rising demand for primary school places is posing a serious challenge in Brent. Brent Council is working closely with local schools and together we are doing everything we can to provide more places for the borough's pupils.

Over the next four years, we will be investing around £90 million with aim of offering a primary place to every local child who needs one.

- ii. where the school has a religious character, a statement and supporting evidence of the demand in the area for education in accordance with the tenets of the religion or religious denomination;

Preston Park Primary School has a Community status and is offering non-denominational provision.

- iii. where the school adheres to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question and any associated change to the admission arrangements for the school.

N/A

### **25. If the proposals involve removing places—**

- i. a statement and supporting evidence of the reasons for the removal, including an assessment of the impact on parental choice; and

- 
- ii. a statement on the local capacity to accommodate displaced pupils.

The expanded school will remain suitable for all pupils who currently attend Preston Park Primary School. There will be no displaced pupils.

### **Expansion of successful and popular schools**

**25A.** (1) Proposals must include a statement of whether the proposer considers that the presumption for the expansion of successful and popular schools should apply, and where the governing body consider the presumption applies, evidence to support this.

(2) Sub-paragraph (1) applies to expansion proposals in respect of primary and secondary schools, (except for grammar schools), i.e. falling within:

(a) (for proposals published by the governing body) paragraph 1 of Part 1 to Schedule 2 or paragraph 12 of Part 2 to Schedule 2;

(b) (for proposals published by the LA) paragraph 1 of Part 1 to Schedule 4 or 18 of Part 4 to Schedule 4

of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended).

Please refer to Question 24 for the need to expand Preston Park Primary School.

# **A Public Consultation Proposed Expansion of Preston Park Primary School**

**PLEASE SEE APPENDIX 1 OF THE THIS EXECUTIVE REPORT**

## Preston Park Primary School public consultation meeting

### to expand from 3 forms of entry to 4 forms of entry

**Thursday 28 February 2013**

Present: John Redpath, Headteacher  
 Linda Green, Chair of Governors  
 Rajesh Sinha, Local Authority Representative  
 Judith Joseph, Local Authority Representative  
 12 Governors  
 20 Local Residents / Parents

#### **Main issues & comments raised**

- Why not use the Town Hall as a school?
- Rubbish on the roads
- School of choice
- Local demand and supply of places
- Car parking - parents blocking driveways
- Staggered drop offs
- Playtimes
- Additional funding per pupils
- Children Centre
- Walking buses
- Leaflet drop off
- Logistics and disruption
- Consult the children

#### **Background information**

- John introduced the panel and spoke about the background of Preston Park Primary School stating that it is a 3FE school with several bulge/temporary classes.
- Linda stated that the school was asked to consider expanding to 5FE but they declined.
- The school would rather take any additional children at Reception age rather than older so that they can be all brought to the same level together.
- The plan is to preserve the ethos of the school, keep the farm but it can be moved to a different part of the school site and demolish the canteen.
- Judith gave background information as to why there is a huge demand for school places in Brent and across London. This is a combination of increased births and birth rates, migration into the borough, housing developments being created, the increasing popularity of Brent schools and fewer children going to independent schools because of the recession. There are many children in Brent without a school place.
- Rajesh explained that the school is performing very well even though it has several bulge classes and the plan is to make the school site more efficient
- Traffic congestion will be looked into when the traffic assessment is carried out.
- The design team will also look at the access options for the school.

	<b>Issues \ comments</b>	<b>Response given</b>
1	Why are you expanding schools	We have had a programme of expansion for many

	now?	years now on a small scale but recently Brent received government funding specifically for primary school expansions. We are now in a position to select schools across the borough for expansion.
2	Why can't the council build a new school?	<p>The Council felt it was not right to spend the funding on one location when the demand for places is spread across the borough.</p> <p>In addition government guidance states that any new schools have to be Academies or Free schools, which prevents the local authority from creating a new school without losing out.</p>
3	If you increase the number of children in a school this will have an impact on the area e.g. more rubbish in the streets everyday whilst walking to and from school.	The truth of the matter is that we have over 400 children without a school place to go to
4	This used to be a school for local children, where are the children coming from?	<p>Parents are able to choose which schools they want their children to go to. As long as there is an appropriate vacancy and they meet the criteria they will be granted a place. Parents do not have to choose their closest school, although most do exercise this option.</p> <p>Approximately 450 Preston Park Pupils live locally, others may come a short distance by car. Some families have moved out of the area but the parents continue to send their children to the school.</p> <p>There are more families living in the area now. A few years ago the GEC estate did not exist, for instance.</p>
5	Why can't the council use the Town Hall as a school once the Civic Centre is occupied?	The Town Hall is to become an independent French school and the old College of North West London building opposite Wembley Park station will become a free school.
6	What funding will be available? In the long term will the funding continue?	Funding is linked to the number of pupils a school has.
7	What are the incentives for expansion?	<p>There will be surplus funds to provide goods for the school. A larger budget can be used to maximise value for money. We always want a healthy surplus and year on year growth.</p> <p>A larger school has more flexibility. A 1FE school is no longer viable.</p>

		<p>after Year 6 so that funding could go also if the places are not made permanent places.</p> <p>The school is working well with 810 children now. We have and will maintain the ethos of the school</p> <p>With the extra funding the school will be able to gain extra facilities e.g. the canteen. However there is not enough funding to refurbish the whole school.</p>
8	Will the huts be knocked down? Nobody consulted the residents about the new huts.	We will have to work out the best solution for the huts.
9	What about the Children's Centre, will it be reviewed as it is never used?	The Children's Centre is used everyday. The council uses it twice a week and the school uses it the rest of the week. It is a relatively new building.
1	The additional access was opened for the Children Centre but has never been used as it is always locked.	
1	Will the special needs pupil numbers be affected?	We do not know about the change in numbers but the SEN facilities will be the same.
1	What is the mobility rate of pupils at the school?	We lose 150 children per year through moving out of the area. 95% of the bulge children are children just arriving in the borough. We would rather have the out of school children here and still maintain the ethos of the school.
1	If the expansion goes ahead how long will it be before the school is fully operational?	<p>The aim is to complete the building work by September 2014. We aim to minimise disruption in the school. The possible loss of the canteen may mean packed lunches for a few months or the other option is to rebuild the canteen then knock the old one down.</p> <p>The school is unlikely to have 840 pupils until 2018/19.</p>
1	How many storeys will the new block have?	No more than two.
1	Will the school get to see how the new block is being designed?	Yes, absolutely. The school will play a key part in the process.
1	The Annexe staff do not answer the phone.	<p>The phone system is working now.</p> <p>Page 114</p>

1	<p>Residents are fed up with parents parking irresponsibly.</p> <p>What is going to happen to the parents who behave badly?</p> <p>There is a blue badge driver who is very rude.</p>	<p>John promised to speak with parents about this once more. Headteacher powers end at the boundary of the school.</p> <p>Community police officers do not patrol the school anymore.</p> <p>You can go on to the school website and rate the school anonymously.</p>
1	<p>Cars are dangerously parked and drives are blocked every morning. What about the safety of the children?</p>	<p>Last year Preston Park entered the travel school awards</p> <p>The school would like a traffic camera outside – trying to get one installed by the council.</p> <p>The Annexe school (Library building) opens at a different time to the main school in the hope of staggering the traffic. Lunchtimes too. We can plan as if they are two schools.</p> <p>Another entrance could be looked into but we would have to consult with local residents about it.</p> <p>Most parents walk to school because there is no parking. This is good for the children also.</p>
1	<p>College Road residents have seen an escalating influx of cars. Why not set up a radius around the school where parents park and walk their children and not drive within the area.</p>	<p>Schools can now employ their own lollipop patrol people. We will look into this. We will also review walking buses.</p>
2	<p>Residents have witnessed urination in the alleyway.</p>	<p>That particular child has been spoken to.</p>
2	<p>Lorries park in the middle of the road.</p>	<p>These are deliveries to the school.</p>
2	<p>College Road residents did not receive the consultation document</p>	<p>Every child was given a copy for their parents, 400 copies were distributed door to door to local residents, copies were pinned to each entrance to the school, it was on the school website, it was on the Brent website and around 300 copies were sent out by email.</p>

## Preston Park Primary School consultation responses received

**32** responses received in total

**18** response for the expansion

**9** responses against the expansion

**5** response with no decision clearly defined

<b>Agree</b>	<b>Response number reference</b>	<b>Comment</b>	<b>Parent/ member of staff / other</b>
<b>Agree 1</b>	<b>P2</b>	<p>I agree with Brent Council to expand the school by one form of entry (1FE).</p> <p>Comments: As the school already provides 810 places (630 permanent and 180 temporary) at present, I believe that the decision to make all 840 places permanent places would not mean any significant changes for PPPS, nor should the decision cause any kind of disruption with regard to the smooth running of the school. Management has always been very well staffed and structured in order to cope with the challenges that may arise with an expansion.</p>	Member of staff
<b>Agree 2</b>	<b>P3</b>	I agree.	Parent
<b>Agree 3</b>	<b>P5</b>	I agree with Brent Council to expand the school by one form of entry (1FE).	Parent
<b>Agree 4</b>	<b>P7</b>	<p>I attended the public meeting on 28th February, where concerns were expressed by residents regarding the expansion of the school. I would just like to reiterate the main concerns that residents have regarding the increased traffic that will occur.</p> <p>I am not against the further expansion of the school as obviously I realise that children need school places but must reiterate that there needs to be some form of traffic control.</p> <p>Every time we are consulted about expansion of the school or the building of the Children's Centre, the traffic problems are brought up but nothing is ever done about it. When the plans were shown to us for the Children's Centre it was stated that there would be an entrance from Grasmere Avenue into the Centre, but this has never happened.</p> <p>My concern is that one day there will be an accident outside the school, as the children have to negotiate parked cars and haphazard parking in Preston Park car park and many parents park on pavements, across drives, and in some instances in</p>	Local resident



		<p>private drives or forecourts. An increase in traffic can only make these problems worse.</p> <p>Please take into account this on going serious problem and don't ignore it as has been the case previously.</p>	
<b>Agree 5</b>	<b>P8</b>	<p>... We who live in very close proximity to the above school, wish to express our concern to the total lack of planning for the increased traffic that will be generated by this new influx of pupils.</p> <p>While in principle we are not against this, already third expansion to the school, we are certainly not looking forward to the mayhem and regular confrontation with aggressive and rude parents, who regularly block the exit from our properties and blight our lives.</p> <p>We would, therefore, appreciate it if our frequently expressed concern was taken on board as a serious issue. While we understand the need for expansion, we feel that our concern as residents on College Road regarding the intolerable traffic problems have been totally ignored.</p> <p>Please make sure that the finalised consultation document includes a realistic and enforceable plan for traffic control on College Road.</p>	Local residents
<b>Agree 6</b>	<b>P14</b>	<p><b>I agree to 60 places only.</b> As a resident in College Road could consideration be taken for extra places being provided for the parking of additional cars of the teachers and parents. The car park in the park is for users of the park. Thank you</p>	Local resident
<b>Agree 7</b>	<b>P15</b>	<p>I agree. I am concerned about the 223 bus route serving College Road. As it is now, even before the extra intake, the schedule of only 3 buses an hour at home time is inadequate because the Wembley bound bus arrives full of St Gregory's pupils who have boarded along the Kenton Road. This means that I, a bus user and of course parents with young children waiting at the corner of College Road and Carlton Avenue are left standing because the bus, full to capacity does not stop.</p> <p>The 223 was initially planned to enable local residents to travel between Harrow and Wembley ( including a stop at Northwick Park Hospital) without having to use the underground stations with their many steps.</p> <p>Please, before arranging the extra form of entry ensure with TFL, that at school departure time there will be school buses provided for St Gregory's and Preston Park pupils or ask TFL to increase the number of buses on the 223 route during this rush hour.</p>	Local resident
<b>Agree 8</b>	<b>P16</b>	<p>I agree.</p>	Parent

<b>Agree 9</b>	<b>P17</b>	I will agree with whatever will be decided by your and our community.	Parent
<b>Agree 10</b>	<b>P18</b>	I agree.	Parent
<b>Agree 11</b>	<b>P19</b>	I agree.	Parent
<b>Agree 12</b>	<b>P21</b>	I hope this will not make current classes more crowded and affect the pupils learning and opportunity to take part in class.	Parent
<b>Agree 13</b>	<b>P22</b>	I am happy and agree with Brent Council to expand the school. Even I appreciate your next step in the future for expanding children's future with the school.	Parent
<b>Agree 14</b>	<b>P24</b>	I think the school is too small. Extension is a good idea and I strongly agree.	Parent
<b>Agree 15</b>	<b>P25</b>	I agree.	Not specified
<b>Agree 16</b>	<b>P26</b>	I agree to expand the school by one form of entry	Not specified
<b>Agree 17</b>	<b>P27</b>	I agree.	Parent
<b>Agree 18</b>	<b>P32</b>	Its going to be nice to expand the school and its good for the children as well. We are quite happy with this.	Parent
<b>Disagree</b>	<b>Response number reference</b>	<b>Comment</b>	<b>Parent/ member of staff / other</b>
<b>Disagree 1</b>	<b>P1</b>	<p>Your projections are purely theoretical not practical. You do not even state where you would build the new wing. Would it be where the existing canteen is?</p> <p>The roads around Preston Park School are narrow and NOT capable of taking the extra traffic. At present deliveries to local households have to be before 8am or after 9am. I cannot go out between 8.30am and 9am and between 2.45 and 3.35pm because of car congestion.</p> <p>Security lights on existing buildings are intrusive.</p> <p>Please review your proposals and then will consider.</p>	Local resident
<b>Disagree 2</b>	<b>P4</b>	<p>I disagree. I feel the road is already used by too many cars driving through College Road all day long. I travel to work through tis road and have friends who live next to College Road. When I am walking to Preston Road station I pass through College Road and I see all sorts of things.</p> <p>Firstly, there seems to be a lot of verge parking and many times I can hear the residents of College Road shouting at the owners of cars who are parked on the pavement and blocking their drives.</p>	Local resident

		<p>After which the verges look like mud baths.</p> <p>I feel the car owners are parents who cannot find parking down this small narrow road. The car park that is available to everyone is always packed mainly by school visitors. What happens if I wanted to play bowls at Preston Park, I would have to park miles away?</p> <p>Why does the council need to bring more visitors with their cars to this small narrow road. Are there no other buildings around the whole of Brent available to accommodate these extra classrooms?</p> <p>Also the extra litter after the day has ended is disgusted. The council have already cut back on the road sweeping of Brent, who is going to pick up this extra lot?</p> <p>The one way system was supposed to help but my friends are saying that cars are ignoring the one way signs and driving in.</p> <p>To summarise: if you allow a new building to accommodate more class spaces, then what are you going to do about the extra traffic, which at the moment is already too much?</p> <p>College Road is a one way road but drivers abuse this rule and drive up the wrong way.</p> <p>Who is going to control the excess traffic? Is this school going to provide parking facilities in the school? Car parking offices, this is what needs to be done.</p> <p>Where are all the extra cars going to park when they visit the school? Will there be extra litter everywhere?</p> <p>Surely, there are other unused buildings in Brent that can accommodate these extra classes without shoehorning everybody into this small and overflowing place.</p> <p>Is there no other safer road where we could take these extra children?</p>	
<b>Disagree 3</b>	<b>P10</b>	<p>I disagree. Parents have no regard, regarding parking. I have experienced hostility from certain car drivers as a resident.</p> <p>The area is already over crowded and tensions are already high with drivers from the static residents and new parents.</p>	Not specified
<b>Disagree 4</b>	<b>P12</b>	<p>Apart from the already awful traffic problem a lot of the children from the school don't dispose of litter properly and I have seen them allowed to urinate in the alley opposite my house. There is always less litter during the holidays.</p>	Local resident

<b>Disagree 5</b>	<b>P13</b>	I vehemently appose this expansion. College Road is already busy enough with cars and parents parking across drives and noise pollution. This will make it worse. What are the road infrastructure plans? Have you even thought about this?	Local resident
<b>Disagree 6</b>	<b>P20</b>	I am concerned that the school expansion will affect the quality of teaching as it will mean there will be more pupils in each class.  Also increased traffic will be a major problem and already there are limited parking places - this would affect the residents.	Parent
<b>Disagree 7</b>	<b>P23</b>	By expanding the school further, there is a risk of quality deterioration. What this area needs more is a dedicated library which the council closed down.	Parent
<b>Disagree 8</b>	<b>P30</b>	I am against the expansion of this school but if you want to know more about it please send me a telephone number and I can give you my views.	Not specified.
<b>Disagree 9</b>	<b>P31</b>	What I believe is by expanding the school the level of quality of education might go down and there is going to be parking problems in the area because it is already a problem for the neighbourhood. residents – more noise, more pollution, more people. So I am rejecting this proposal.	Parent
<b>No decision clearly defined</b>	<b>Response number reference</b>	<b>Comment</b>	<b>Parent/ member of staff / other</b>
<b>No decision clearly defined 1</b>	<b>P6</b>	Thank you for information relating to the four consultations in Brent about the expansion of various schools across the borough:  <b>Preston Park Primary School</b> , located in the north west of the borough (just under 4 miles from closest Camden ward, Fortune Green)  Based on the information provided and the fact that the schools involved are generally a fair distance from the edge of Camden's border (the closest being Leopold primary school 1.6 miles from the edge of Fortune Green ward). I have circulated to colleagues in Camden and we have no comments/objections relating to these consultations.	Camden Council
<b>No decision clearly defined 2</b>	<b>P9</b>	Whilst understanding the need for extra school places, is this really a good location? More and more of the grounds have been built on in recent years, reducing the playing fields and other outdoor space available for the children, and the only entrance to the school(except for contractors' lorries) is in a very narrow and (in rush hour)already over congested side road.	Local Resident

<p><b>No decision clearly defined 3</b></p>	<p><b>P11</b></p>	<p>Thank you for the copy of the consultation document which we discussed at our March SKPPRA committee meeting.</p> <p>The school is well considered by residents, many of whom's children attend or have attended the school.</p> <p>The consultation document however largely deals with strategic issues of school provision in the Borough, and there is no information to enable our association to understand the impact of school expansion or the effects it might have on the area. There is a new school already on Carlton Avenue East (Preston Manor Primary) and another school adjacent to our area where some residents have children (Byron Court) - so even from a strategic view the case is not made as to why we need more school provision in this area of the Borough.</p> <p>Residents are already acutely aware of the traffic and bus congestion that appears to be associated with the school, and it is clear to those living in the area that the school has very limited access and was probably intended to be a small local school serving the immediate population who would attend on foot. There is a view among some residents that the site is already being used over capacity, and this can be amply illustrated by a visit to the adjacent streets at the beginning or end of the school day.</p> <p>The proposed 33% increase in permanent places therefore requires more information on the assessment of the effects on traffic and congestion, means of access, and potential loss of amenity on adjoining owners where school buildings are expanded or newly built.</p> <p>The consultation document makes reference to studies of 'capacity constraints' and a 'feasibility assessment' and therefore we would hope that these matters have been part of the Borough's consideration - and simply need to be explained. However for a genuine consultation this information needs to be issued to the local residents to whom the above document has been circulated, to ourselves and to the other consultees listed in the appendix.</p> <p>We consider that the following information is essential to any assessment of the proposals and for a genuine consultation where it is expected that the Borough would use the responses to moderate or alter the proposals. We would be grateful therefore if you would provide by return - (so that we can respond by the due date):</p> <p>1. The study of capacity constraints referred to at Point 4 of the consultation document,</p>	<p>SKPP Residents Association</p>
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		<p>2. The 'initial feasibility assessment' referred to at point 4 of the consultation document,</p> <p>3. The current catchment area of the permanent school pupils (630) by post-code database,</p> <p>4. The mode of transport the permanent pupils use to travel to the school,</p> <p>5. The post-codes of the current temporary pupils (180) and their mode of transport to the school,</p> <p>6. The anticipated post-codes and mode of transport for the further 30 pupils to be added to the permanent roll - if not in 2 above.</p> <p>7. The current site capacity (using School Building Bulletin BB99) to include consideration of the usual town planning separation distances to maintain privacy and amenity for adjoining properties.</p> <p><b><i>SKPPRA were given another chance to respond once they received the data they requested above.</i></b></p> <p><i>Written 8 April 2013</i></p> <p>... we have not seen any feasibility studies - requested from Brent on 11th March but nothing provided ...</p> <p>... The committee resolved this evening not to take a position for or against the school expansion. We are aware that the car volume on College Road is excessive and we thought it more constructive to seek the support of the school to reduce traffic to the school separate from the issue of expansion ...</p>	
No decision clearly defined 4	P28	We need more schools.	Not specified
No decision clearly defined 5	P29	<i>Nothing written, nothing deleted also.</i>	Parent



## Statutory Notice

### Alteration to Preston Park Primary School

Notice is given in accordance with section 19(3) and 21(2) of the Education and Inspections Act 2006 (as amended by the Education Act 2011) that the Governing Body of Preston Park Primary School intends to make a prescribed alteration to Preston Park Primary School (Community), College Road, Wembley, HA9 8RJ. (DfE number 3042039).

Preston Park Primary School is maintained by the Local Authority. The Governing Body with the support of the Local Authority is proposing to expand Preston Park Primary School by creating a new one form of entry permanent provision (30 additional children in each year group). If this proposal were accepted Preston Park Primary School would offer a one form of entry permanent provision from 1 September 2014 through yearly progression; this would mean that the school would admit (30 additional children) in Reception class from September 2014 and this cohort would progress to Year 6 by September (2020/21). This means that the school will become a four form of entry provision and its admission capacity will increase from 630 permanent to 840 permanent Reception to Year 6 places. The current admission number for the school is 90 (3 classes in each year group) and the proposed admission number will be 120 (4 classes in each year group). In addition the school has a nursery with 60 part time places.

The number of children currently on roll excluding the nursery is 793. These numbers are made up of 630 permanent places and 163 temporary places. The temporary places will officially become permanent places, therefore there will be 4 classes in some year groups sooner than 2020/21.

The proposal will be implemented by the Governing Body of Preston Park Primary School with Local Authority support. Preston Park will expand to provide one additional class in each year group (210 new permanent primary places in total) from September 2014, subject to planning permission. The enlarged Preston Park Primary School will continue to offer mixed provision for pupils in Reception to Year 6 and the Local Authority will remain the admitting Authority for the School.

The Local Authority has completed a feasibility study which confirms that the provision of one additional form of entry primary provision is possible within the current school site, subject to planning permission. All applicable statutory requirements to consult in relation to these proposals have been complied with.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Judith Joseph, School Place Planning Officer, Children and Families, London Borough of Brent, Chesterfield House, 9 Park Lane, Wembley HA9 7RW. Email: [judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk). Alternatively a copy of the complete proposal can be obtained from: <http://www.brent.gov.uk/consultations.nsf>. A limited translation and interpretation service is available upon request from Judith Joseph on 0208 937 1061.

Within four weeks from the date of publication of this proposal any person may object to or make comments on the proposal in writing by sending them to Judith Joseph, School Place Planning Officer, Children and Families,

London Borough of Brent, Chesterfield House, 9 Park Lane, Wembley HA9 7RW. Email:  
[judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk).

**Signed: The Governing Body, Preston Park Primary School**

**Publication Date: 16 May 2013**

#### **Explanatory Notes**

- **In this academic year (2012/13) Preston Park Primary School has 810 places of which 630 are permanent places and 180 are temporary places. 750 places are currently at the main school on College Road whilst 60 places are currently in Preston Park Annexe, a temporary accommodation on Carlton Avenue East.**
- **The proposal is to expand the school accommodation on College Road and accommodate all 840 places at College Road.**
- **All children currently on roll at the Preston Park Primary School and Preston Park Annexe will remain pupils of Preston Park Primary School.**
- **The nursery will continue to offer 60 part time places.**



## A Public Consultation

### Proposed Expansion of Harlesden Primary School

<b>1.</b>	<p><b>Introduction</b></p> <p>Harlesden Primary School is a community school located in the southern half of the borough. It provides school places to 210 boys and girls between the ages of 4 – 11. There is also a nursery with 26 part time places.</p> <p>Currently, the demand for school places in Brent, as with many outer London boroughs, is increasing. The demand for primary places in the south of the borough specifically has led to the proposal to expand Harlesden Primary School.</p> <p>Therefore Brent Council in partnership with the Governing Body of Harlesden Primary School is consulting with staff, parents and the community on the option to expand the school by two forms of entry (2FE). The expansion will provide an additional 60 places in each year group (420 new primary places in total). The increase of 60 places in each year group is intended to start at Reception age in September 2014 and rise to Year 6 by September 2020.</p>
<b>2.</b>	<p><b>The proposal</b></p> <p>Brent Council is proposing to expand Harlesden Primary School, Acton Lane, London, NW10 8UT by two forms of entry (420 additional places), taking the school capacity from 210 places (Year R – Year 6) to 630 (Year R – Year 6). The school will continue to provide a nursery with 26 part time places.</p> <p>The expansion of the school is intended to commence in September 2014 with an increase of 60 places per academic year at Reception age and rise to Year 6 by September 2020.</p> <p>The proposed accommodation for the expansion by two forms of entry would be of a permanent high quality construction linked to the main school building. It will be built to optimise educational standards.</p>

### 3. The growing number of primary school pupils

The number of children seeking a primary school in Brent is increasing year on year. This is due to several factors e.g. the renewed popularity of Brent schools, the inward migration of families into the borough, the new housing developments throughout the borough attracting new families and the rising birth and fertility rates. As a result, in areas of high demand there are insufficient school places.

### 4. New primary school places

In June 2011 the Local Authority consulted with all primary schools in the borough to explore the possibility of increasing the number of school places. It has been evident that the demand for Reception places would be greater than the number of available places. This assessment was based on the number of on-time and ad hoc admissions applications received by the Local Authority, the current forecast of student numbers and local factors such as feedback from schools.

Subsequently, the Local Authority reviewed capacity constraints at all primary schools and identified the maximum need for school places in the local areas. Discussions took place with schools which were suitable and willing for expansion. This was followed by an initial feasibility assessment.

Since 2005 the Local Authority has analysed the increased demand for school places and created a programme to increase primary places through permanent expansion of schools and temporary classes. The table below demonstrates how many permanent and temporary primary places have been created since September 2006.

Total number of additional places (Reception to Year 6)	Permanent places (Reception to Year 6)	Temporary places (Reception to Year 6)
4164	3423	741

Despite adding new places, there remains a shortfall of Reception places in the borough. As at 11 January 2013, there were 201 primary aged children without a school place for the 2012/13 academic year. Of which 54 were Reception age (4 years old).

### 5. The need for more primary school places in the future

In August 2011, Brent Council carried out a review of primary school places which estimated that an additional 15 forms of entry (15FE) will be required in Brent by 2014/15 - an estimate of 450 places in each year group. The pressure of increasing demand is already evident with few places available in Brent's 60 primary schools. Brent Council is supportive of the proposed expansion of Harlesden Primary School to help address the shortage of primary school places.

Demand continues to increase in the south of the borough and a permanent increase from 1 to 3 forms of entry will help satisfy some of that demand. It is also anticipated that the increased demand for primary school places will eventually

create a shortage of secondary school places.

The rising demand for primary school places is posing a serious challenge in Brent. Brent Council is working closely with local schools and together we are doing everything we can to provide more places for the borough's pupils.

Over the next four years, we will be investing around £90 million with aim of offering a primary place to every local child who needs one.

**6. We would like to hear from you**

Brent Council and Governors of Harlesden Primary School are at the moment consulting all interested parties including parents and staff at the school, all schools in Brent and neighbouring boroughs with an aim to receive feedback on the proposal.

We would welcome your views on the proposal to expand the school by 2FE. If you have any comments that you would like to make in relation to this proposal, you can either use the attached tear-off response form or write to:

**Judith Joseph  
3<sup>rd</sup> Floor Chesterfield House  
9 Park Lane  
Wembley  
Middlesex HA9 9RH**

**Or**

Send an email to: **[judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk)**

Copies of this consultation document are also available at the school reception and from Brent Council at Chesterfield House, 9 Park Lane, Wembley, HA9 7RH.

Alternatively, this document can be downloaded from:

<http://www.brent.gov.uk/currentconsultations>

A limited translation service can be provided for this document on request to [judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk)

All written comments must be received by: **Wednesday 20 March 2013**

7.	<p><b>You can also attend a public meeting for parents, carers and the community which has been arranged to discuss the proposed expansion of Harlesden Primary School.</b></p> <p><b>Date:     Wednesday 6 March 2013</b></p> <p><b>Time:     4pm to 5pm – All Staff</b></p> <p style="padding-left: 100px;"><b>6pm to 7pm – Community and Parents</b></p> <p><b>Venue:   Harlesden Primary School</b>  <b>          Acton Lane Entrance</b>  <b>          London</b>  <b>          NW10 8UT</b></p>
8.	<p><b>The procedures for reorganisation</b></p> <p>Brent Council in partnership with Harlesden Primary School intends to meet with staff, parents and the local community, to receive their views.</p> <p>If, after the consultation, the school's Governing Body decides to proceed with the expansion then a statutory proposal will be published in the local papers and will also be placed at public places e.g. the Town Hall and on the main entrances to Harlesden Primary School.</p> <p>Thereafter a 4 week representation period will commence during which anybody can write to make formal representations on the proposals. Representations can be in the form of support, suggestions or objections to the proposal. All representations will be presented to Brent Council's Executive Committee which will make a decision on the proposal.</p>

## **9. Consultees**

This document is being sent to:

Harlesden Primary School: parents, staff, governors and student council  
All maintained schools and Academies in Brent  
Brent Council  
Westminster Diocesan Education Service  
London Diocesan Board for Schools  
London Borough of Ealing  
London Borough of Barnet  
London Borough of Camden  
London Borough of Harrow  
London Borough of Hammersmith and Fulham  
London Borough of Westminster  
Royal Borough of Kensington and Chelsea  
Local Resident Associations  
All Councillors  
Local Member of Parliament  
All Brent Customer Service Shops  
All Brent Libraries  
All Brent Children Centres  
Sport England  
Secretary of State, School Organisation Unit  
Local private nurseries  
Any trade unions who represent staff of Harlesden Primary School  
Representatives of main trade unions in Brent  
Early Years and Family Support Service  
Early Years Quality and Improvement Team  
Parent and Toddler groups in the area

## Harlesden Primary School Consultation Response Slip

Please tear off and return by: **Wednesday 20 March 2013**

I agree / disagree with Brent Council to expand the school by two forms of entry (2FE). *Delete as appropriate*

**Comments:**

*(Please use the back of this form if you require more space)*

**Signed .....**

**Parent / member of staff / other .....please specify**

**Please send to:**

**Judith Joseph  
3<sup>rd</sup> Floor Chesterfield House  
9 Park Lane  
Wembley  
Middlesex HA9 9RH**

**Or email                   judith.joseph@brent.gov.uk**

## Comments continued:

### About you

By answering the following questions, you will help us ensure that we deliver a fair service to all our community. You do not have to give us this information, but we hope you will. All information will be treated in the strictest of confidence and will only be used to monitor and improve Brent Council services.

#### Gender (please tick one):

Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
------	--------------------------	--------	--------------------------

#### My age group (please tick one):

16-24	<input type="checkbox"/>	25-34	<input type="checkbox"/>
35-44	<input type="checkbox"/>	45-54	<input type="checkbox"/>
55-64	<input type="checkbox"/>	65-74	<input type="checkbox"/>
75+	<input type="checkbox"/>		<input type="checkbox"/>

#### Which one of these groups do you feel you belong to (please tick one)?

Asian Indian	<input type="checkbox"/>	Asian Pakistani	<input type="checkbox"/>
Asian Bangladeshi	<input type="checkbox"/>	Asian Other	<input type="checkbox"/>
Black Caribbean	<input type="checkbox"/>	Black African	<input type="checkbox"/>
Black Other	<input type="checkbox"/>	Chinese	<input type="checkbox"/>
Mixed White and Black Caribbean	<input type="checkbox"/>	Mixed White and Black African	<input type="checkbox"/>
Mixed White and Asian	<input type="checkbox"/>	Mixed Other	<input type="checkbox"/>
White British	<input type="checkbox"/>	White Irish	<input type="checkbox"/>
White Other	<input type="checkbox"/>	Other Ethnic Group	<input type="checkbox"/>

## PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS: Information to be included in a complete proposal

### Extract of Part 1 of Schedule 3 and Part 1 of Schedule 5 to The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended):

**In respect of an LEA Proposal:** London Borough of Brent, Pupil and Parents Service, 3<sup>rd</sup> Floor Chesterfield House, 9 Park Lane, Wembley, HA9 7RW.

**DFE School No. 304/2017– Harlesden Primary School**

**Statutory Notice published on 16 May 2013**

26. The name, address and category of the school.

Harlesden Primary School (Community) Acton Lane London NW10 8UT
--

### Implementation and any proposed stages for implementation

27. The date on which the proposals are planned to be implemented, and if they are to be implemented in stages, a description of what is planned for each stage, and the number of stages intended and the dates of each stage.

Brent Council intends to expand Harlesden Primary School from 1 September 2014. Harlesden Primary School will be expanded by two forms of entry. The expansion will provide two additional classes in each year group (420 new primary places in total). The increase of 60 places in each year group is intended to start at Reception age in January 2014 and rise to Year 6 by September 2020.
---

### Objections and comments

28. A statement explaining the procedure for making representations, including —

- i. the date prescribed in accordance with paragraph 29 of Schedule 5 (LA proposals) of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), by which objections or comments should be sent to the local education authority; and
- ii. the address of the authority to which objections or comments should be sent.

Within four weeks from the date of publication of the proposal any person may object to or make comments on the proposal in writing by sending them to Judith Joseph, School Place Planning, Children and Families, London Borough of Brent, Chesterfield House, 9 Park Lane, Wembley HA9 7RW. Email: <a href="mailto:judith.joseph@brent.gov.uk">judith.joseph@brent.gov.uk</a> .
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The proposal was published on Thursday 16 May 2013.
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## Alteration description

29. A description of the proposed alteration and in the case of special school proposals, a description of the current special needs provision.

The London Borough of Brent is proposing to expand Harlesden Primary School by one form of entry from 1 September 2014; this means that the school will become a three form of entry provision and its admission capacity will increase from 210 to 630 Reception to Year 6 places. The current admission number for the school is 30 and the proposed admission number will be 90. The school offers mixed sex provision. In addition the school has a nursery with 26 part time places. Nursery provision will remain unchanged.

On implementation of the proposal, Harlesden Primary School would provide 90 new permanent Reception places from 1 September 2014, subject to planning permission. The expansion will provide two additional classes in each year group (420 new primary places in total). The increase of 60 places in each year group is intended to start at Reception age in September 2014 and rise to Year 6 by September 2020. The enlarged Harlesden Primary School will continue to offer mixed provision for pupils in Reception to Year 6 and the Local Authority will remain the admitting Authority for the School.

The expanded school will be suitable for all pupils who currently attend Harlesden Primary School. Every pupil registered at the school on 31 August 2014 who, but for these proposals would have continued their education at Harlesden Primary School will have a place at the enlarged school. Consequently no pupils will be displaced by the alterations proposed for Harlesden Primary School.

## School capacity

30. —(1) Where the alteration is an alteration falling within any of paragraphs 1-4, 7, 8, 18, 19 and 21 of Schedule 4 (LA proposals) to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), the proposals must also include —
- details of the current capacity of the school and, where the proposals will alter the capacity of the school, the proposed capacity of the school after the alteration;

The school capacity will change from 210 places (Reception to Year 6) to 630 places (Reception to Year 6), The nursery capacity will not change under this proposal.

- details of the current number of pupils admitted to the school in each relevant age group, and where this number is to change, the proposed number of pupils to be admitted in each relevant age group in the first school year in which the proposals will have been implemented;

The current admission number for the school is 30 and the proposed admission number will be 90.

- where it is intended that proposals should be implemented in stages, the number of pupils to be admitted to the school in the first school year in which each stage will have been implemented;

60 additional children will be admitted in Reception in September 2014, the second 60 additional children will be admitted in Reception in September 2015. This pattern will be repeated until September 2020 when the school will reach its full capacity.

- where the number of pupils in any relevant age group is lower than the indicated admission number for that relevant age group a statement to this effect and details of the indicated admission number in question.

N/A

- b. Where the alteration is an alteration falling within any of paragraphs 1, 2, 8, 18 and 19 of Schedule 4 (LA proposals) to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), a statement of the number of pupils at the school at the time of the publication of the proposals.

According to the January 2013 pupil census there were 200 pupils on the school roll (Reception to Year 6) and 28 full time equivalent pupils attending the nursery (on a part time basis).

## Implementation

31. Where the proposals relate to a foundation or voluntary controlled school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and, if the proposals are to be implemented by both, a statement as to the extent to which they are to be implemented by each body.

N/A

## Additional Site

32. —(1) A statement as to whether any new or additional site will be required if proposals are implemented and if so the location of the site if the school is to occupy a split site.

Building Bulletin 99 will be used as a guideline for constructing the new extensions to the existing school. Additional land is not required for this expansion proposal.

The new Reception class is expected to be available from January 2013. Remaining building works at the school are expected to be completed by April 2013.

Decant proposal during the construction period may require use of alternative temporary provision on the existing site only for the period of construction.

All new school buildings are required to achieve the highest energy standards for sustainable construction. The new extension at will be required to achieve a BREEAM rating of Very Good, requiring energy use of the proposed building to be efficient and sustainable.

- (2) Where proposals relate to a foundation or voluntary school a statement as to who will provide any additional site required, together with details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease.

N/A

## Changes in boarding arrangements

33. —(1) Where the proposals are for the introduction or removal of boarding provision, or the alteration of existing boarding provision such as is mentioned in paragraph 8 or 21 of Schedule 2 (GB proposals)/7 or 14 of Schedule 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended) —
- i. the number of pupils for whom it is intended that boarding provision will be made if the proposals are approved;

N/A

- ii. the arrangements for safeguarding the welfare of children at the school;

N/A

- iii. the current number of pupils for whom boarding provision can be made and a description of the boarding provision; and

N/A

- iv. except where the proposals are to introduce boarding provision, a description of the existing boarding provision.
- v.

N/A

- b. Where the proposals are for the removal of boarding provisions or an alteration to reduce boarding provision such as is mentioned in paragraph 8 or 21 of Schedule 2 (GB proposals)/7 or 14 of Schedule 4 (LA proposals) to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended) —

- i. the number of pupils for whom boarding provision will be removed if the proposals are approved; and

N/A

- ii. a statement as to the use to which the former boarding accommodation will be put if the proposals are approved.

N/A

### Transfer to new site

34. Where the proposals are to transfer a school to a new site the following information—

- i. the location of the proposed site (including details of whether the school is to occupy a single or split site), and including where appropriate the postal address;

N/A

- ii. the distance between the proposed and current site;

- iii. the reason for the choice of proposed site;

N/A

- iv. the accessibility of the proposed site or sites;

N/A

- v. the proposed arrangements for transport of pupils to the school on its new site; and

N/A

- vi. a statement about other sustainable transport alternatives where pupils are not using transport provided, and how car use in the school area will be discouraged.

N/A

## Objectives

35. The objectives of the proposals.

To create more primary school places. Please see section 24 for a fuller response.

## Consultation

36. Evidence of the consultation before the proposals were published including—
- i. a list of persons who were consulted;
  - ii. minutes of all public consultation meetings;
  - iii. the views of the persons consulted;
  - iv. a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with; and
  - v. copies of all consultation documents and a statement on how these documents were made available.

All applicable statutory requirements to consult in relation to this proposal were complied with. The consultation period commenced on 13 February 2013 and ended 20 March 2013. The statutory notice was issued on 16 May 2013.

- i. The consultation document (Appendix 1) was sent to:

Harlesden Primary School: parents, staff, governors and student council  
All maintained schools and Academies in Brent  
Brent Council  
Westminster Diocesan Education Service  
London Diocesan Board for Schools

London Borough of Ealing  
 London Borough of Barnet  
 London Borough of Camden  
 London Borough of Harrow  
 London Borough of Hammersmith and Fulham  
 London Borough of Westminster  
 Royal Borough of Kensington and Chelsea  
 Local Resident Associations  
 All Councillors  
 Local Member of Parliament  
 All Brent Customer Service Shops  
 All Brent Libraries  
 All Brent Children Centres  
 Sport England  
 Secretary of State, School Organisation Unit  
 Local private nurseries  
 Any trade unions who represent staff of Harlesden Primary School  
 Representatives of main trade unions in Brent  
 Early Years and Family Support Service  
 Early Years Quality and Improvement Team  
 Parent and Toddler groups in the area

- ii. The minutes of the public consultation meeting are attached in Appendix 2.
- iii. The views of all persons consulted are attached in Appendix 3.
- iv. The Consultation document was distributed by email or internal/external post to the stakeholder listed above. The schools also distributed the consultation documents by hand to parents, pupils, staff and other interested parties. 400 local residents in the immediate vicinity were provided a copy through special local distribution, where possible.
- v. Copy of the consultation document can be found in Appendix 1.

### Project costs

37. A statement of the estimated total capital cost of the proposals and the breakdown of the costs that are to be met by the governing body, the local education authority, and any other party.

The capital cost of the expansion project is estimated at approximately £9.7m including contingency, which is being funded by the local authority .

38. A copy of confirmation from the Secretary of State, local education authority and the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

Confirmation from DfE on allocation of the funding for Primary Places (Brent Council was allocated £24.8m ) is available at the following link:

<http://www.education.gov.uk/schools/adminandfinance/schoolscapital/capitalreview/a00199873/allocation-of-extra-500-million-to-address-the-shortage-in-pupil-places>

## Age range

39. Where the proposals relate to a change in age range, the current age range for the school.

N/A

## Early years provision

40. Where the proposals are to alter the lower age limit of a mainstream school so that it provides for pupils aged between 2 and 5—

- i. details of the early years provision, including the number of full-time and part-time pupils, the number and length of sessions in each week, and the services for disabled children that will be offered;

The school is already operating Early Years provision which will continue to be available.

- ii. how the school will integrate the early years provision with childcare services and how the proposals are consistent with the integration of early years provision for childcare;

N/A

- iii. evidence of parental demand for additional provision of early years provision;

N/A

- iv. assessment of capacity, quality and sustainability of provision in schools and in establishments other than schools who deliver the Early Years Foundation Stage within 3 miles of the school; and

N/A

- v. reasons why such schools and establishments who have spare capacity cannot make provision for any forecast increase in the number of such provision.

Additional capacity is being created in the school to meet demand for Reception to Year 6 places only.

## Changes to sixth form provision

41. (a) Where the proposals are to alter the upper age limit of the school so that the school provides sixth form education or additional sixth form education, a statement of how the proposals will—

- (i) improve the educational or training achievements;
- (ii) increase participation in education or training; and
- (iii) expand the range of educational or training opportunities for 16-19 year olds in the area;

N/A

(b) A statement as to how the new places will fit within the 16-19 organisation in an area;

N/A

(c) Evidence —

(i) of the local collaboration in drawing up the proposals; and

(ii) that the proposals are likely to lead to higher standards and better progression at the school;

N/A

(d) The proposed number of sixth form places to be provided.

N/A

42. Where the proposals are to alter the upper age limit of the school so that the school ceases to provide sixth form education, a statement of the effect on the supply of 16-19 places in the area.

N/A

### Special educational needs

43. Where the proposals are to establish or change provision for special educational needs—

- i. a description of the proposed types of learning difficulties in respect of which education will be provided and, where provision for special educational needs already exists, the current type of provision;

N/A

- ii. any additional specialist features will be provided;

N/A

- iii. the proposed numbers of pupils for which the provision is to be made;

N/A

- iv. details of how the provision will be funded;

N/A

- v. a statement as to whether the education will be provided for children with special educational needs who are not registered pupils at the school to which the proposals relate;

N/A

- vi. a statement as to whether the expenses of the provision will be met from the school's delegated budget;

N/A

- vii. the location of the provision if it is not to be established on the existing site of the school;

N/A

- viii. where the provision will replace existing educational provision for children with special educational needs, a statement as to how the local education authority believes that the new provision is likely to lead to improvement in the standard, quality and range of the educational provision for such children; and

N/A

- ix. the number of places reserved for children with special educational needs, and where this number is to change, the proposed number of such places.

N/A

44. Where the proposals are to discontinue provision for special educational needs—

- i. details of alternative provision for pupils for whom the provision is currently made;

N/A

- ii. details of the number of pupils for whom provision is made that is recognised by the local education authority as reserved for children with special educational needs during each of the 4 school years preceding the current school year;

N/A

- iii. details of provision made outside the area of the local education authority for pupils whose needs will not be able to be met in the area of the authority as a result of the discontinuance of the provision; and

N/A



- iv. a statement as to how the proposer believes that the proposals are likely to lead to improvement in the standard, quality and range of the educational provision for such children.

N/A

45. Where the proposals will lead to alternative provision for children with special educational needs, as a result of the establishment, alteration or discontinuance of existing provision, the specific educational benefits that will flow from the proposals in terms of—

- i. improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local education authority's Accessibility Strategy;
- ii. improved access to specialist staff, both educational and other professionals, including any external support and outreach services;
- iii. improved access to suitable accommodation; and
- iv. improved supply of suitable places.

N/A

### Sex of pupils

46. Where the proposals are to make an alteration to provide that a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes—

- i. details of the likely effect which the alteration will have on the balance of the provision of single sex-education in the area;

N/A

- ii. evidence of local demand for single-sex education; and

N/A

- iii. details of any transitional period which the body making the proposals wishes specified in a transitional exemption order (within the meaning of section 27 of the Sex Discrimination Act 1975).

N/A

47. Where the proposals are to make an alteration to a school to provide that a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only—

- i. details of the likely effect which the alteration will have on the balance of the provision of single-sex education in the area; and

N/A

- ii. evidence of local demand for single-sex education.

N/A

### Extended services

48. If the proposed alterations affect the provision of the school's extended services, details of the current extended services the school is offering and details of any proposed change as a result of the alterations.

Early Years and Extended School Groups operating in the school will remain unaffected.

### Need or demand for additional places

49. If the proposals involve adding places—
- i. a statement and supporting evidence of the need or demand for the particular places in the area;

In June 2011 the Local Authority consulted with all primary schools in the borough to explore the possibility of increasing the number of school places. It has been evident that the demand for Reception places would be greater than the number of available places. This assessment was based on the number of on-time and ad hoc admissions applications received by the Local Authority, the current forecast of student numbers and local factors such as feedback from schools.

Subsequently, the Local Authority reviewed capacity constraints at all primary schools and identified the maximum need for school places in the local areas. Discussions took place with schools which were suitable and willing for expansion. This was followed by an initial feasibility assessment.

Since 2005 the Local Authority has analysed the increased demand for school places and created a programme to increase primary places through permanent expansion of schools and temporary classes. The table below demonstrates how many permanent and temporary primary places have been created since September 2006.

<b>Total number of additional places (Reception to Year 6) Sept 2006 to May 2013</b>	<b>Permanent places (Reception to Year 6)</b>	<b>Temporary places (Reception to Year 6)</b>
4164	3423	741

Despite adding new places, there remains a shortfall of Reception places in the borough. As at 16 May 2013, there were 215 primary aged children without a school place for the 2012/13 academic year. Of which 44 were Reception age (4 years old).

### The need for more primary school places in the future

In August 2011, Brent Council carried out a review of primary school places which estimated that an additional 15 forms of entry (15FE) will be required in Brent by 2014/15 - an estimate of 450 places in each year group. The pressure of increasing demand is already evident with few places available in Brent's 60 primary schools. Brent Council is supportive of the proposed expansion of Harlesden Primary School to help address the shortage of primary school places.

Demand continues to increase in the south of the borough and a permanent increase from 1 to 3 forms of entry will help satisfy some of that demand. It is also anticipated that the increased demand for primary school places will eventually create a shortage of secondary school places.

The rising demand for primary school places is posing a serious challenge in Brent. Brent Council is working closely with local schools and together we are doing everything we can to provide more places for the borough's pupils.

Over the next four years, we will be investing around £90 million with aim of offering a primary place to every local child who needs one.

- ii. where the school has a religious character, a statement and supporting evidence of the demand in the area for education in accordance with the tenets of the religion or religious denomination;

Harlesden Primary School has a Community status and is offering non-denominational provision.

- iii. where the school adheres to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question and any associated change to the admission arrangements for the school.

N/A

50. If the proposals involve removing places—

- i. a statement and supporting evidence of the reasons for the removal, including an assessment of the impact on parental choice; and

N/A

- ii. a statement on the local capacity to accommodate displaced pupils.

The expanded school will remain suitable for all pupils who currently attend Harlesden Primary School. There will be no displaced pupils.

## Expansion of successful and popular schools

**25A.** (1) Proposals must include a statement of whether the proposer considers that the presumption for the expansion of successful and popular schools should apply, and where the governing body consider the presumption applies, evidence to support this.

(2) Sub-paragraph (1) applies to expansion proposals in respect of primary and secondary schools, (except for grammar schools), i.e. falling within:

(a) (for proposals published by the governing body) paragraph 1 of Part 1 to Schedule 2 or paragraph 12 of Part 2 to Schedule 2;

(b) (for proposals published by the LA) paragraph 1 of Part 1 to Schedule 4 or 18 of Part 4 to Schedule 4

of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended).

Please refer to Question 24 for the need to expand Harlesden Primary School.



## **A Public Consultation**

### **Proposed Expansion of Harlesden Primary School**

**PLEASE SEE APPENDIX 4 OF THIS REPORT FOR THE  
CONSULTATION DOCUMENT**

**Harlesden Primary School Public consultation meeting**  
**to expand from 1 form of entry to 3 forms of entry**

**Wednesday 6 March 2013**

Present: Linda Perrier, Headteacher  
 2 staff members  
 3 residents  
 Kate Bevington, Local Authority Representative  
 Rajesh Sinha, Local Authority Representative  
 Judith Joseph, Local Authority Representative

**Main issues & comments raised**

- Triple parking and noise
- Building design
- The school site / playspace
- Bad parking
- traffic
- planning permission

**Background information**

- Kate and Judith gave background information about the need for additional school places and the available funding.
- Rajesh spoke about the feasibility study of the school grounds and buildings.
- Judith explained the consultation process.
- The team stressed that this is an educational consultation and that building issues can be raised in a separate consultation.

	Issues \ comments	Response given
1.	Tripling the number of pupils will lead to triple parking and noise. It is already a noisy school.  Triple facilities will mean overdevelopment	The plan is to expand the school by September 2014, construction will take around 6 – 8 months and the additional children will increase over 7 years from September 2014.
2.	The plans show where the new build is likely to go. This will have to be a 4 storey building.	The plan is to go no more above 3 storeys.
3.	What about the loss of playspace?  Staggered play would mean	The school could have staggered play times.  Page 146 The space will be compliant with primary playspace

	children screaming all day long	guidelines. We could install acoustic fencing
4.	What about the trees you will have to destroy?	We can plant replacement trees.
5.	What can't you build a new school?	We are looking at other sites but new schools alone will not meet the demand all over the borough. We have a statutory and social requirement to educate the children who currently do not have a school place.
6.	I cannot get out of my drive at times with bad parental parking	Entrances to the school and traffic flow will have to be assessed. We will never eradicate all the traffic problems.
7.	Traffic measures will not work because there are so many parents choosing to drive their children to school. The catchment area will increase therefore the need to drive will increase.	Some parents need to drive to work after dropping their children off. Some parents have children in different schools and therefore manage by driving.  The school will encourage walking and crocodile buses. Parents have a choice as to which school they send their children to providing there is a suitable vacancy.
8.	There is a lot of car congestion on Minet Avenue with no turning space. Acton Lane is not a good place for children also.	Traffic is a common theme in all school expansion consultations. Not all issues can be solved.
9.	The building will be too big and not sympathetic to its surroundings.	We will work with the school to design the building and re design the play space. We can consider looking at the wasted space at the top of the site. The design stage has not begun yet.
10.	The road barrier installed in the 1990s is a nuisance as residents have to drive all the way round but it has benefits also as it stops through traffic and it is an informal play space for the children.	
11.	When will planning permission be submitted?	June 2013.
12.	Will planning take into consideration our views?	Your concerns will be taken on board and listed in the Executive report. Designs will be drawn up before permission is sought.

## Harlesden Primary School consultation responses received

**10** responses received in total

**2** response for the expansion

**7** responses against the expansion

**1** response either : no comment OR no objections

Agree	Response number reference	Comment	Parent/ member of staff / other
Agree	H2	I agree	Member of the community
Agree	H8	I agree	Retired male
Disagree	Response number reference		
Disagree	H1	While the need to create more primary school places has been explained, insufficient though is being given here to the quality of education that Harlesden Primary School offers and how this will be affected. The site cannot cope with this over expansion and all will suffer. Why not keep a strong primary school and create another rather than just create an awful situation for 400+ kids? Who this of this nonsense? Obviously someone who has never worked in a school (I have).	Local resident
Disagree	H3	<p>After careful consideration of the proposal to expand the pupil capacity of Harlesden Primary School, I have decided to object to the proposed scheme. This is because I believe that it will be detrimental to the quality of educational experience and child welfare for the pupils of the school.</p> <p>At its present capacity, Harlesden Primary School is a relatively small school and is running at a similar capacity to that which it was built for. An expansion in capacity of the scale suggested in the proposals would result in poorer relations between staff and pupils and deprive the school from the many benefits of being a small school.</p> <p>... I can see that in an area that attracts pupils from a diverse range of backgrounds, some with special learning needs, the intimacy of a small school is highly beneficial for the pupils and</p>	Not specified



		<p>the staff. This would be lost in the event of an expansion.</p> <p>Additionally, the local public transport links, bus services, road links and car parking availability would suffer negatively from the influx of a threefold increase in the number of parents and children visiting the area twice a day. A school of this proposed expanded size (being as large as Salusbury School in Queens Park) would obviously attract pupils and parents from a much larger area.</p> <p>Finally the construction of an extension to the existing building will inevitably harm the appearance and peace of the local residential area adjacent to the side and rear of the proposed site, both during construction and thereafter.</p> <p>May I suggest that the funding will be better spent building a new school in a different location, spreading out the locations of primary education facilities, which would be of greater benefit to the community.</p>	
<b>Disagree</b>	<b>H5</b>	<p>... Governors had a meeting about the proposals for a two form expansion. I raised my concerns then, mainly on the grounds that the school was very close to constituency boundaries (with Ealing I believe, but might be mistaken).</p> <p>... the school has just received a Satisfactory from OFSTED. I mentioned this at a governors' meeting and also at a meeting with HMI who met with governors on a follow-up visit. I think that all energies of the Head, staff and governors should be directed towards the improvement of the school towards Good or even Outstanding. The building and organisation of a massive two-form expansion may well undermine that outcome and provide a distraction ...</p>	Local Councillor
<b>Disagree</b>	<b>H6</b>	<p>Although we do not question the strategic need within the borough to expand the number of school places, we strongly object to the proposed expansion of Harlesden Primary School to three times its current size. This is an excessive over-development of the site, for the neighbourhood, for the residents and not least for the children.</p> <p><b>The Consultation Process</b></p> <p>We do not have any confidence in the consultation process (which, as an architect I am familiar with) that you are carrying out. The public meeting on 6th March was hardly attended at all. This is not surprising, as it appears that notice of the meeting was insufficiently distributed.</p> <p>Apart from four presenters and four staff/parents, there were only three local residents present – myself and my wife, from Minet Avenue, and one resident of Minet Gardens. But the latter had only just heard of the meeting, by chance seeing the notice</p>	Local residents

	<p>hung on the school gates. Which suggests that households living immediately adjacent to the school (the minimum for a meaningful public consultation) were not properly informed.</p> <p>Neither was our local ward councillor, Councillor Beswick, with whom I have been in contact re the proposal, aware of the meeting or the proposal - despite the fact that the consultation document lists all councillors as being circulated. So this consultation was really no more than a presentation of the proposed plan. That is not consultation.</p> <p>The timescale involved – the new building should be ready for the first intake in September 2014 – hardly allows sufficient time to take seriously into account any local comments or to change the proposals significantly, given the time required for design, planning permission, technical drawings, tender and construction. Proper consultation “should take place at a stage when there is scope to influence the outcome” (from the Government’s Code of Practice on Consultation).</p> <p>If the local council is viewing this process as a discharge of its duty to consult, then it should seriously consider whether the process being carried out would under scrutiny be judged to have been adequately thorough and timely.</p> <p><b>Bulk of the building</b></p> <p>The consultation document we were sent is worryingly light on any details of the proposed new building. It will be at least three storeys high (as stated at the presentation), over dominating both the existing school (the immediately adjacent buildings are only single storey) and the local housing (uniformly two storey). This would be completely out of scale, and have a detrimental impact on the local architectural character and to houses and gardens on Minet Avenue.</p> <p><b>Traffic</b></p> <p>The traffic management of Acton Lane and the Minet Avenue area is going to be adversely affected by any expansion of the school. It is worryingly unclear how triple the number of children will safely arrive and depart from the school, situated as it is on a busy road (Acton Lane) with a blind corner, and Minet Avenue with only gated access.</p> <p>At drop off and collection times there is considerable congestion in the area outside the school and down Minet Avenue (beyond the road barrier). Parents park anywhere, without consideration to local residents or to other road and pavement users. The idea that this would triple is alarming in terms of safety if nothing else.</p> <p><b>Noise</b></p> <p>School arrival and going home times, as well as lunch and break</p>	
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	<p>times, are extremely noisy – which we endure because we accept that children need to ‘let off steam,’ in open space. The specific configuration of housing around the playground – (the return of Minet Gardens between Acton Lane and Minet Avenue) – creates a sound box effect that not only focuses the sound generated by the school into our houses, but also appears to amplifies it.</p> <p>We work at home and experience the already very high playground noise levels every day. We have also had to use the support of Council Noise Abatement Services on numerous occasions for both outdoor and indoor evening, and weekend daytime events on the school premises. This indicates something of the noise levels (nuisance) we already experience from the existing number of school children using the outdoor areas, as playground noise is greatly amplified by the sound box effect mentioned above.</p> <p>Triple the number of children, playing in a comparatively smaller space, will increase the noise to unacceptable ‘noise nuisance’ levels. Additionally, the idea that break times will be further staggered (as stated by one of the presenters) – because there is insufficient external space for the school population – would only make matters worse, as both the volume and duration of unacceptably high noise levels will be increased.</p> <p>The reduction in the size of the school playground, and the rotation of the artificial turf pitch, will also bring the play area closer to our surrounding houses, again making the noise nuisance worse. Not to mention the noise and disruption caused by the construction.</p> <p><b>Loss of trees</b> And, we are going to lose valuable trees.</p> <p>There are a small number of sheltering and screening trees in the main playground that will all be removed in the plans shown. Their loss will not be compensated environmentally by planting trees elsewhere on the site – if indeed they are. Their role in absorbing sound from the playground will go, and their role in mitigating the solid appearance of the school buildings will also be lost, affecting all residents nearby.</p> <p><b>Loss of play space</b> These trees play an important role in softening the external play space for the children, and their contact with nature in an urban setting. Thus, in the proposed plan, the quality and character of their current, attractively designed play area near to the trees adjacent to the end houses on Minet Avenue and Minet Gardens, will be greatly diminished.</p>	
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		<p>The proposed reduction and reconfiguratioin of their play space is detrimental to the children's well being and to the neighbourhood.</p> <p><b>Doubling would already be questionable</b></p> <p>Even doubling the size of Harlesden Primary School on its existing site would be too much. This site certainly does not lend itself to being a positive learning environment for three times the number of children.</p> <p>Twice the number would already be a serious over development. It is a subjection of young children to an overcrowded learning environment, as well as in terms of all our other objections: the buildings, play space, traffic and safety issues, noise nuisance to neighbours and effect on the appearance of neighbourhood gardens etc.</p> <p>We strongly object to the proposal for three times the current number of children on this site.</p>	
<b>Disagree</b>	<b>H7</b>	<p>I am writing today in order to lodge my objection to the expansion of Harlesden Primary School, which I understand is planned to be tripled in size.</p> <p>Although I do not question the need within the borough to expand the number of school places, I strongly object to the school's proposed expansion. This is an excessive over-development of the site, for the neighbourhood, for the residents and not least for the children.</p> <p><b>The Consultation Process</b></p> <p>I do not have <b>any confidence</b> in the consultation process that has supposedly been carried out. I only heard from neighbours <b>after</b> the event that there was a public meeting on 6th March, but as a local resident, I had not been made aware of the meeting or the plans. It is only AFTER the event that I have found out what is being proposed.</p> <p>I have since heard that neither was our local ward councillor, Councillor Beswick, aware of the meeting or even the proposal - despite the fact that the consultation document lists all councillors as being circulated.</p> <p>So this consultation was really no more than a presentation of the proposed plan.</p> <p>That is <b>not</b> consultation.</p> <p>The timescale involved – the new building should be ready for the first intake in September 2014 – hardly allows sufficient time to take seriously into account any local comments or to change the proposals significantly, given the time required for design,</p>	Local resident

	<p>planning permission, technical drawings, tender and construction. Proper consultation “should take place at a stage when there is scope to influence the outcome” (from the Government’s Code of Practice on Consultation).</p> <p>If the local council is viewing this process as a discharge of its duty to consult, then it should seriously consider whether the process being carried out would under scrutiny be judged to have been adequately thorough and timely.</p> <p><b>Bulk of the building</b></p> <p>The consultation document is worryingly light on any details of the proposed new building. It will be at least three storeys high (as stated at the presentation), over dominating both the existing school (the immediately adjacent buildings are only single storey) and the local housing (uniformly two storey). This would be completely out of scale, and have a detrimental impact on the local architectural character and to houses and gardens on Minet Avenue.</p> <p><b>Traffic</b></p> <p>The traffic management of Acton Lane and the Minet Avenue area is going to be adversely affected by any expansion of the school. It is worryingly unclear how triple the number of children will safely arrive and depart from the school, situated as it is on a busy road (Acton Lane) with a blind corner, and Minet Avenue with only gated access. At drop off and collection times there is considerable congestion in the area outside the school and down Minet Avenue (beyond the road barrier). Parents park anywhere, without consideration to local residents or to other road and pavement users. The idea that this would triple is alarming in terms of safety if nothing else.</p> <p><b>Noise</b></p> <p>School arrival and going homes times, as well as lunch and break times, are extremely noisy – which I endure because I accept that children need to ‘let off steam,’ in open space. The specific configuration of housing around the playground – (the return of Minet Gardens between Acton Lane and Minet Avenue) – creates a sound box effect that not only focuses the sound generated by the school into our houses, but also appears to amplifies it.</p> <p>I work at home and experience the already very high playground noise levels every day. Playground noise is greatly amplified by the sound box effect mentioned above.</p> <p>Triple the number of children, playing in a comparatively smaller space, will increase the noise to unacceptable ‘noise nuisance’ levels. Additionally, the idea that break times will be further staggered (as stated by one of the presenters) – because there is insufficient external space for the school population – would</p>	
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		<p>only make matters worse, as both the volume and duration of unacceptably high noise levels will be increased.</p> <p>The reduction in the size of the school playground, and the rotation of the artificial turf pitch, will also bring the play area closer to surrounding houses, again making the noise nuisance worse.</p> <p><b>Not to mention the noise and disruption caused by the construction.</b></p> <p><b>Loss of trees</b> And, we are going to lose valuable trees. There are a small number of sheltering and screening trees in the main playground that will all be removed in the plans shown. Their loss will not be compensated environmentally by planting trees elsewhere on the site – if indeed they are. Their role in absorbing sound from the playground will go, and their role in mitigating the solid appearance of the school buildings will also be lost, affecting all residents nearby.</p> <p><b>Loss of play space</b> These trees play an important role in softening the external play space for the children, and their contact with nature in an urban setting. Thus, in the proposed plan, the quality and character of their current, attractively designed play area near to the trees adjacent to the end houses on Minet Avenue and Minet Gardens, will be greatly diminished. The proposed reduction and reconfiguration of their play space is detrimental to the children's well being and to the neighbourhood.</p> <p><b>Doubling would already be questionable</b> Even doubling the size of Harlesden Primary School on its existing site would be too much. This site certainly does not lend itself to being a positive learning environment for <b>three times</b> the number of children. Twice the number would already be a serious over development. It is a subjection of young children to an overcrowded learning environment, as well as in terms of all our other objections: the buildings, play space, traffic and safety issues, noise nuisance to neighbours and effect on the appearance of neighbourhood gardens etc.</p> <p><b>I strongly object to the proposal for three times the current number of children on this site.</b></p>	
Disagree	H9	<p>There would be a tragic loss of green playground space which is absolutely necessary for London children who mostly do not have other access.</p> <p>There would be a loss of mature trees, birds and other wildlife.</p> <p>Huge increase of people, cars and traffic - already heavy. Increase of noise already dreadful. More noise and disruption during building works. Loss of air and view and the original building would be spoilt.</p>	Local resident

<b>Disagree</b>	<b>H10</b>	<p>I live at Minet Gardens and I have already had problems with being hit by stones from your school and children climbing up and talking to me. First of all there is the safe guarding issue of children, also as a pensioner who loves their garden the last thing I want is my light being blocked out by a bigger building or more noise from a larger amount of children in the school. Where the school is built is already a small area. Where will you expand to especially in this area which is already congested?</p> <p>I am extremely worried about this and totally opposed to your suggestion of expansion for the school. Already when parents are picking up students there is too much congestion. Are you seriously trying to say you want to add 410 places? This is laughable if only I could laugh about this.</p> <p>Also I am over 75 and have many health problems which I have to concentrate on not worrying about extra noise and congestion. I am also concerned that if I want to sell up and move away how the price of my house would be affected.</p>	Local resident
<b>No comment</b>	<b>Response number reference</b>		
<b>No comment</b>	<b>H4</b>	<p>Thank you for information relating to the four consultations in Brent about the expansion of various schools across the borough:</p> <p><b>Harlesden primary school</b>, located in the south of the borough (greater than 2 miles from Camden western wards)</p> <p>Based on the information provided and the fact that the schools involved are generally a fair distance from the edge of Camden's border (the closest being Leopold primary school 1.6 miles from the edge of Fortune Green ward). I have circulated to colleagues in Camden and we have no comments/objections relating to these consultations.</p>	Barnet Council

## **Statutory Notice**

### **Alteration to Harlesden Primary School**

Notice is given in accordance with section 19(3) and 21(2) of the Education and Inspections Act 2006 (as amended by the Education Act 2011) that the Governing Body of Harlesden Primary School intends to make a prescribed alteration to Harlesden Primary School (Community), Acton Lane, London, NW10 8UT. (Department for Education number 3042017).

Harlesden Primary School is maintained by the Local Authority. The Governing Body with the support of the Local Authority is proposing to expand Harlesden Primary School by creating a new two forms of entry permanent provision (60 additional children in each year group). If this proposal were accepted Harlesden Primary School would offer two forms of entry permanent provision from 1 September 2014 through yearly progression; this would mean that the school would admit (60 additional children) in Reception class from September 2014 and this cohort would progress to Year 6 by September (2020/21). This means that the school will become a three form of entry provision and its admission capacity will increase from 210 to 630 Reception to Year 6 places. The current admission number for the school is 30 and the proposed admission number will be 90. In addition the school has a nursery with 26 part time places.

The number of children currently on roll excluding the nursery (according to the January 2013 pupil census) is provisionally 200.

The proposal will be implemented by the Governing Body of Harlesden Primary School with Local Authority support. Harlesden Primary School will expand to provide two additional classes in each year group (420 new permanent primary places in total) from September 2014, subject to planning permission. It is intended that the expansion of the school will be delivered by September 2014. The enlarged Harlesden Primary School will continue to offer mixed provision for pupils in Reception to Year 6 and the Local Authority will remain the admitting Authority for the School.

The Local Authority has completed a feasibility study which confirms that the provision of two additional forms of entry primary provision is possible within the current school site. All applicable statutory requirements to consult in relation to these proposals have been complied with.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Judith Joseph, School Place Planning Officer, Children and Families, London Borough of Brent, Chesterfield House, 9 Park Lane, Wembley HA9 7RW. Email: [judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk). Alternatively a copy of the complete proposal can be obtained from: <http://www.brent.gov.uk/consultations.nsf>. A limited translation and interpretation service is available upon request from Judith Joseph on 0208 937 1061.

Within four weeks from the date of publication of this proposal any person may object to or make comments on the proposal in writing by sending them to Judith Joseph, School Place Planning Officer, Children and Families, London Borough of Brent, Chesterfield House, 9 Park Lane, Wembley HA9 7RW. Email: [judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk).



**Signed: The Governing Body, Harlesden Primary School**

**Publication Date: Thursday 16 May 2013**

### Representations against the expansion of Preston Park and Harlesden Primary Schools

#### Preston Park Primary School

"Our conclusion is that all of the local residents who have responded [to the consultation stage of the process] oppose the expansion or only support it where specific measures on traffic, parking and bus capacity are met. None of these measures have even been considered - and we are aware that only now in the period of the statutory consultation and following a decision to proceed to planning - does the Council intend to take a traffic survey at the site to establish the capacity and use of the adjoining roads."

*Chair of the SKPP Resident Association*

#### Harlesden Primary School

I want to use this opportunity to strongly **disagree** to the proposed plans of extending Harlesden Primary School by Brent Council to expand the school by two forms of entry (2FE)

I understand that more places are needed in the borough, but for this other plans should be made by the council - i.e. building a whole new school or use existing buildings (instead of selling those) and modify those to schools i.e. the Gwineth Rickus Building.

Harlesden primary school is perfect as it is. The plans would not only take away important greenery such as several mature trees, most importantly will it limit the outdoor space the children have to a absolute minimum.

Brent has one of the highest obesity rates in the country and with proposals which includes minimising essential outdoor space the issue will only become worse. The primary school has a very nice outdoor facility with space for exploration, ball games etc. Not many primary schools in the area are so privileged. This should stay!!!! London's kids have so little to non opportunity to be physical active taken as well that streets are often not safe enough (especially in this area), so this outdoor space is important to the kids.

Besides, traffic will triple which will worsened the air quality as well as properties owned will be devalued due to this.

*Local resident and business owner*

#### Harlesden Primary School

As residents (Minet Avenue), we are responding to the statutory notice for the expansion of Harlesden Primary School, and the plans for new buildings and relocated sports and play areas (which you sent to us subsequently in answer to our queries).

While we are aware of the reasons for expansion, we remain totally dismayed at the scale of the inevitable disruption this will cause us as neighbours, and we remain convinced that tripling the numbers is too much on all counts.

Not only in terms of how we will be affected by increased noise from the school, but the loss of privacy, and the trees which presently shield us from the proposed sports area alongside our garden in Minet Avenue. And in terms of the numbers of children and staff in a such a small area with even less free play space. As well as the traffic issues, the new building's appearance, and the building-work disruption.

We are dismayed at the way consultation/planning is being carried out, particularly as it seems to take no account of the needs of neighbours.

The traffic problem, safety issues and parking problem (which we already experience) are only some of many considerations.

The fact that you are asking for our views at the same time as your consultants are already drawing up plans for submission to the planning department for planning approval suggests that you have no intention of hearing our views or making any accommodation. If so, this is a mockery of the principle and obligation to consult.

We object in the strongest terms to the devaluation of our quality of life as residents and the devaluation of properties, both for ourselves and for others, which the tripled noise levels and 'considerable visual impact' (to quote from your own feasibility study report) on Minet Avenue will cause - not least, the loss of privacy and noise-screening trees giving much-needed greenery and wildlife.

We value our home and garden, and we dread the advent of a sports pitch sited at the very edge of it. Not to mention the other detrimental changes to our street.

The school grounds - *at all times* when there are children in it, whether for sport, play or arriving/leaving - is extremely noisy.

The configuration of buildings in this area causes the school noise to rebound very loudly into our house - even with all the windows closed.

We work from home and we also use our garden regularly. We dread the thought of triple the noise and triple its duration - inevitably loud, screaming children - brought even closer to our garden and house if the sports pitch is moved as planned, and the trees which currently shield us are cut down.

Trees are needed to screen our properties - not to mention the need of the children to be in a green environment.

You say some trees will be replanted - but where? and will they be in the right place? - don't you need to consult *our needs* ? - we only hope this happens at the planning stage.

We have suffered from serious noise pollution from the school over the past twelve years. When the school premises were used outside school hours for events, and this does not include the excessive volume on Sundays as a church venue, we regularly had to call the Noise Pollution Team at very unsocial hours - so we fear potential recurrence from the school premises.

What assurances can you give us that the school will not be used out of school hours?

As residents we have the right to be *confident* that we are being heard and that what is implemented will actually take the above seriously into account and be acted upon.

*Local resident*

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 <b>Brent</b>	<p><b>Executive</b> 15 July 2013</p> <p><b>Report from the Strategic Director, Regeneration and Growth</b></p>
<p>Wards affected: All</p>	
<p><b>HRA Asset Management Strategy</b></p>	

## 1.0 Summary

- 1.1 As a consequence of Housing finance reform in April 2012 the Council needs to set a long-term strategy to maximise the value and performance of the housing assets which are held within its Housing Revenue Account in order to best meet its housing priorities.
- 1.2 A draft Asset Management Strategy has been prepared. This sets out a strategic framework for maintaining and developing the Council's housing assets. It covers three main areas:
  - Stock Investment – The achievement and maintenance of an investment standard for the stock
  - Stock Reform – The raising of the performance of the stock and the rebalancing of its mix to align with housing need
  - Development – The provision of additional affordable housing by the Council
- 1.3 The proposals set out in the draft Asset Management Strategy depend upon a continuation for existing stock of the rent policy that the Council has operated in recent years. It is also proposed that receipts arising from HRA stock disposal are ring-fenced for expenditure through the HRA on the development or acquisition of affordable housing.
- 1.4 The draft Asset Management Strategy is appended to this report. It is to be subject to public consultation before being finalised and considered for approval by the Executive.

- 1.5 An Asset Management Plan will be prepared to support the implementation of the Strategy.

## **2.0 Recommendations**

The Executive Agree:

- 2.1 That consultation is to proceed with Council tenants and leaseholders and with the wider community on the approaches recommended in the draft Asset Management Strategy including in relation to the rent policy proposed therein and that the responses to that consultation shall be taken into account in revising the strategy with a final version to then be reported to a future meeting of the Executive for approval.
- 2.2 That preparation of a programme for infill development within the HRA estate of new affordable housing proceed with the final schemes to then be subject to further approval by the Executive.
- 2.3 That development of proposals for a programme of estate regeneration and redevelopment proceed through taking forward initial feasibility studies with the proposed programme then being subject to further approval by the Executive.
- 2.4 That further examination is made of options to maximise affordable housing development including where appropriate through partnership arrangements and to receive a further report on recommended approaches.
- 2.5 That an Asset Management Plan be developed to prepare the required programmes and resources that will be required to enable the prompt implementation of the final strategy once approved.
- 2.6 To authorise expenditure from the Housing Revenue Account to undertake the above activities of up to £200,000 which will be funded by transferring uncommitted one-off resources from the HRA depreciation budget in 2013-14.

## **3.0 Detail**

### **Background**

- 3.1 The Council is the single largest provider of social rented housing in the borough with almost 9,000 tenanted properties in its ownership. These properties are accounted for within the Housing Revenue Account (HRA).
- 3.2 In April 2012 the Government reformed the arrangements for English Local Authorities HRAs. This involved the replacement of a national subsidy system with a one-off debt settlement and a significant devolution

of control to each stock-owning authority. As part of the settlement the Government imposed a borrowing limit or debt cap, which left the Council with initial available borrowing capacity of £59.3m which had increased to £62.3m as of 1 April 2013.

- 3.3 The reform of the HRA enables and requires the Council to plan for the effective maintenance and development of its stock, and assure the financial performance of its HRA, over the long-term.
- 3.4 An Asset Management Strategy is required to set out clear priorities that will determine the future quality, condition, mix and size of the Council's housing stock and that will support the financial sustainability of its HRA.

### **Asset Management Strategy**

- 3.5 The objectives of the strategy are to:
- Ensure that the housing stock and its environs are maintained and improved so as to provide quality accommodation in a sustainable environment for existing and future residents
  - To provide a balance and mix of stock that is best suited to meet the Council's housing objectives
  - To expand the Council's housing stock to increase the capacity to meet housing need
  - To improve the financial sustainability of the HRA assets and to raise their aggregate performance
- 3.6 The draft Asset Management Strategy proposes that the following approaches are taken in respect of stock investment, stock reform and new development.

### **Stock Investment**

- 3.7 The Council was one of the first in London to achieve the Decent Homes standard across its stock but investment has been constrained in recent years by the resources available under the HRA subsidy system.
- 3.8 The strategy proposes commitment to an investment standard that provides for the maintenance and selective improvement of the housing stock in order to maintain the Decent Homes standard and meet all statutory and related requirements. The standard includes provision for targeted environmental and energy efficiency improvements.

- 3.9 The standard will initially be implemented through a seven-year programme across the stock commencing in 2014/15.
- 3.10 Commitment to a five year budget for the capital works programme is recommended to facilitate efficient planning and delivery.

### **Stock Reform**

- 3.11 The existing housing stock has arisen as a consequence of extensive stock loss, primarily through exercise of the Right-to-Buy. An active approach is proposed to improve the performance and mix of the Council's housing stock through appraisal and selective disposal of assets and re-investment of the proceeds in more suitable and better-performing stock.
- 3.12 This will include raising the performance of the housing stock through selective disposal of under-performing assets and rationalisation of the stock to improve management efficiency through disposal of freehold-only properties and selected minority interests in blocks and converted houses.
- 3.13 It is proposed to undertake rebalancing of the stock to improve alignment with the profile of housing demand and the Council's priorities as set out in the Allocations Scheme. This will be undertaken through selective disposal of smaller units over time and their replacement with family homes which are most acutely under-provided for currently.
- 3.14 It is proposed that receipts arising from HRA disposals would be ring-fenced and expended through the HRA in order to develop or acquire new affordable housing.

### **Development**

- 3.15 The Council has the opportunity to fund the development of new affordable housing through its HRA but the capacity to do so is limited by the debt cap.
- 3.16 A study has identified capacity for infill development within the HRA estate of approximately 75 new affordable homes, and funding is available within the HRA for these to be delivered between 2014/15 and 2016/17. Further examination of the feasibility of these sites will be undertaken and a proposed programme of schemes will be developed and reported for approval.
- 3.17 A number of sites have been identified where estate regeneration and redevelopment may be appropriate in order to provide improved and additional housing. Feasibility studies will be undertaken to determine where such an approach may be appropriate and to consider how these may be implemented.



- 3.18 The constraint of the debt cap limits the capacity of the Council to fund new affordable housing through its HRA. It is proposed to examine options, including potential arrangements with external Registered Providers and others, that may enable a higher level of affordable housing to be developed, and the outcome of this examination will be reported further.
- 3.19 It is proposed that new development will typically be for let at Affordable Rents with these being set in accordance with the Council's Tenancy Strategy and guidance on affordability.

### **Development of the Strategy**

- 3.20 The development of the draft Asset Management Strategy has been informed by a series of discussions over the last six months with a Member reference group and the proposals were recently presented at an open Member Seminar.
- 3.21 Indicative modelling has been undertaken to establish that the overall proposals are financially affordable within the HRA. More detailed financial modelling will be undertaken to support the finalisation of the strategy.
- 3.22 The draft strategy and the priorities it sets will have important implications for existing tenants and leaseholders but also more generally for residents of the borough. It is therefore planned to undertake a public consultation exercise on the proposals set out in the draft strategy and on the related rent policy for existing and new dwellings. The consultation period will commence in late July and continue for a minimum 6 week period.
- 3.23 Brent Housing Partnership will assist in undertaking consultation with Council Tenants and Leaseholders utilising their existing consultation and resident involvement arrangements and it is intended to hold one or more specific consultation events to supplement these. The proposals will also be published on the Council website and be distributed to key partners for comment and will be publicised through existing forums and an additional public consultation event will be held.
- 3.24 Following the consultation period the final strategy and the consultation responses will then be reported to the Executive.
- 3.25 In order to prepare for the prompt implementation of the strategy once agreed it is intended over the next period to begin development of an Asset Management Plan which will develop the necessary programme delivery arrangements internally and within Brent Housing Partnership who will have a lead responsibility for the implementation of many of the proposals under their Management Agreement with the Council.

## **Rent Policy**

- 3.26 Rents are the primary income to the HRA business plan. The HRA business plan and the draft Asset Management Strategy are based on a continuation of recent rent policy over future years and on reasonable assumptions in relation to inflation and income collection.
- 3.27 In order to provide a secure basis for the funding of the Asset Management Strategy it is proposed that the Council agree a rent policy for the period 2014 to 2019 when agreeing the final Asset Management Strategy. The following policy position is proposed.
- 3.28 For rents to continue to increase in line with the rent convergence regime- a maximum annual increase of RPI+0.5% plus £2 per week for existing tenants. Following rent convergence for the annual increase to be set at RPI+0.5%.
- 3.29 For void properties to be re-let at target rents.
- 3.30 For consideration to be given to restraint in rent increases for 4-bedroom and larger properties in order to assure affordability under the benefits cap which is being introduced later in 2013.
- 3.31 For new-build and newly-acquired properties (except where required for decant) to be let at affordable rents in line with the thresholds set within the Council's Tenancy Strategy.

## **4.0 Financial Implications**

- 4.1 The proposed approaches set out in the draft Asset Management Strategy and their funding through the Housing Revenue Account are predicated on future rent increases for the existing stock continuing to be in accordance with the Government's Rent Restructuring Guidance and, following rent convergence, on the assumption that rents will thereafter rise by RPI + 0.5%.
- 4.2 It is currently council policy that all capital receipts (except those subject to RTB pooling arrangements) are taken centrally. The draft strategy proposes that receipts arising from HRA disposals would instead be ring-fenced and expended through the HRA in order to develop or acquire new affordable housing.
- 4.3 All expenditure associated with the HRA Asset Management Strategy will be met from the Council's HRA. Further reports to the Executive on specific elements of the strategy will contain, for Member agreement, the detailed financial impact(s) on the HRA and the HRA budget and recommendations in respect of 4.1 and 4.2 above. In the event that there is an impact on the Council's General Fund, this will be reported to the Executive for prior approval.

- 4.4 The costs associated with implementing the recommendations in this report are estimated at up to £200,000. These costs will be met from the Housing Revenue Account (HRA) and will be funded by transferring uncommitted one-off resources from the HRA depreciation budget in 2013-14.

## **5.0 Legal Implications**

- 5.1 Under section 74 of the Local Government and Housing Act 1989 (“the 1989 Act”), the Council is required to keep a separate Housing Revenue Account (HRA) of sums falling to be credited or debited in respect of its housing stock. Sections 75 and 76 of the 1989 Act set out the rules for establishing and maintaining that account.
- 5.2 Sections 167 to 175 and schedule 15 of the Localism Act 2011 includes provisions for a new self financing HRA system from April 2012. This new system enables the Council to operate a Housing Revenue Account which will allow the Council to keep all of its rental income and use it to support its own housing stock. The Localism Act 2011 includes powers for the Secretary of State to set a maximum limit on the amount of housing debt that each authority can hold.
- 5.3 Under section 11 of the Landlord and Tenant Act 1985, the Council as the landlord has a duty to keep in repair and proper working order the structure and the exterior of the residential properties it owns as well as certain installations for the supply of water, gas and electricity.
- 5.4 Consent from the Secretary of State is required under section 32 of the Housing Act 1985 for local authorities to dispose of housing land. However, in March 2013, the Department of Communities and Local Government issued “The General Housing Consents 2013 – Section 32 Housing Act 1985” which sets out the circumstances in which the General Housing Consents can be relied by local authorities to dispose of properties without the need to obtain specific consent from the Secretary of State. Legal advice will be provided on a case by case basis as to whether it is necessary to obtain specific consent under section 32 of the Housing Act 1985 or whether it is sufficient to rely on the General Housing Consents 2013.
- 5.5 Under section 105 of the Housing Act 1985, the Council as a local authority landlord has a duty to consult with those of its secure tenants who are likely to be substantially affected by matters of housing management, which includes the management, maintenance and improvement of dwelling houses let by the Council under secure tenancies and the provision of services in connection with such dwelling houses. The consultation requirements under section 105 of the Housing Act 1985 must enable the secure tenants likely to be affected to be informed of the Council's proposals and to make their views

known to the Council within a specified period. Leaseholders of Council-owned properties will also be involved in the consultation process.

- 5.6 The Council may make such *reasonable* charges as it so determines for the tenancy or occupation of their dwellings and shall review those rents and charges from time to time. In so doing the Council shall have regard to the principle that the rents for different types of houses should bear broadly the same proportion to private sector rents for those different types of houses. This means that the difference between the Local Authority rent for, say, a bedsit and a two bed house with a garden should be broadly comparable to the difference between the rents for those types of dwellings in the private sector. In making such reasonable charges, the Council will need to give consideration to the Government's policy aims of introducing social housing rents that will ultimately produce rents being set (both in the council and Registered Provider/RSL sectors) on a nationally determined basis (whilst taking into account local factors such as the value of dwellings). This aim is not prescriptive in so much it remains the responsibility of the local housing authority to set rents.
- 5.7 From April 2012, the "Regulatory Framework for Social Housing in England from April 2012" ("the Framework") has been in force and this has been issued by the Homes and Communities Agency (HCA), the social housing regulator. This framework implements the amendments to the Housing and Regeneration Act 2008 that were introduced by the Localism Act 2011 and the Secretary of State's directions on specific standards. This Framework has to be followed by Registered Providers of Social Housing, which includes local authorities. The Council will need to take into account the guidance given by the Framework and Annex 1 to that framework regarding rent standards when setting a rental policy.

## **6.0 Diversity Implications**

- 6.1 An equality impact assessment will be carried out and this will, after the consultation process has been carried out, be presented to a future Executive meeting for Members' consideration when the Executive decides to approve the finalised HRA Asset Management Strategy and related rent policy for 2014-19.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

- 7.1 There are no staffing implications.

## **8.0 Background Papers**

- 8.1 There are no background papers. The draft HRA Asset Management Strategy is appended to this report.

## **9.0 Appendix**

### Appendix 1: The Draft HRA Asset Management Strategy

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# Draft HRA Asset Management Strategy

**May 2013**

## **Introduction**

HRA Reform has in effect created a new housing business within Brent Council which has considerable assets comprising almost 9,000 rented properties and significant associated land-holdings.

Central to the successful operation of this business is the development of an Asset Management Strategy that plans for the long-term and that directs stock investment and development to provide quality housing to meet present and future housing needs, that contributes to the achievement of the council's housing and regeneration priorities, and that assures the sustainable and optimum performance of the HRA business plan.

The Asset Management Strategy is an important corporate document which sets out how the Council will manage, develop and make best use of its assets in order to achieve its objectives.

This current document is a draft for internal consultation. A summary programme is provided at Appendix 1 for the revision and finalisation of the strategy and the parallel development of the Asset Management Plan which will provide for its implementation.

## **The Asset Management Strategy**

### **Introduction**

The Asset Management Strategy will determine the future size of the Council's housing stock, its mix, quality and performance. It provides a strategic framework for:

- Active management of the HRA assets
- Investment to assure long-term sustainability
- Investment to develop the asset-base
- And supports the wider strategic aims of the business and the Council

The Strategy's scope is comprehensive and encompasses stock investment, new housing development and estate regeneration, and reform and improvement of the stock and its performance. The strategy is focussed on the next ten year period but within the context of a 30-year HRA business plan.

The strategy and its implementation are predicated on the continuation of the current rent policy of the Council. This falls outside the scope of this strategy but the position is set out in appendix 2.

The Strategy will be implemented through an Asset Management Plan. This will set out the arrangements for the strategy's implementation including arrangements for the constituent programmes and a performance management framework to assure its delivery.

The strategy will need to be reviewed and adapted in response to significant changes in the internal and external environment including revised corporate priorities, the performance of the HRA business plan and wider housing policy changes and their impact. The strategy, its implementation and the outcomes achieved will need to be reviewed after five years.

### **Strategic Context**

The Asset Management Strategy is aligned with the Council's overall corporate and strategic objectives.

The strategy supports the Council's Corporate strategic objectives through providing for investment in existing and new housing to provide a sustainable built environment and to provide quality housing services through the provision of decent, well-maintained affordable housing. It supports the Regeneration Strategy objective to deliver transformational change through new housing growth and estate regeneration and provides for significant public investment.

A new Housing Strategy is currently being prepared by the Council. The Asset Management Strategy will support the emerging objectives of this: These include the priority of increasing social housing supply through the development of new affordable homes and by increasing the capacity to meet housing need and alleviate overcrowding through reform of the mix of the Council's stock. The stock investment plans also include provision to reduce fuel poverty supported by external funding.

### **Strategic Objectives**

The overall objectives of the Asset Management Strategy are:

- To ensure that the housing stock and its environs are maintained and improved so as to provide quality accommodation in a sustainable environment for existing and future residents
- To provide a balance and mix of stock that is best suited to meet the Council's housing objectives and housing need priorities
- To expand the Council's housing stock to increase the capacity to meet housing need
- To improve the financial sustainability of the assets and to raise their aggregate performance

These objectives will be achieved through the combination of strategic approaches which are summarised below:



## **STOCK INVESTMENT**

Implementation of an investment standard that provides for the maintenance and selective improvement of the housing stock

- This standard will meet all current statutory, regulatory and health and safety requirements and maintain the Decent Homes standard across the stock.
- The standard will be implemented through a seven year programme commencing in 2014/15 which will encompass all the retained stock and will be maintained thereafter
- A rolling five-year budget for capital, cyclical and planned maintenance works will be set to maximise efficiency and value-for-money in the programming and delivery of the works

## **STOCK REFORM**

Reform of the Council's housing stock to improve its overall performance and composition through selective disposal of units and re-investment

- Stock optimisation - Appraisal and selective disposal of poorly performing units
- Stock rationalisation - Disposal of freehold-only interests and selected minority interests in order to improve management efficiency.
- Stock Rebalancing – Disposal of smaller units and the re-investment of resources in larger family and other homes that are under-represented in the stock

## **DEVELOPMENT**

The provision of new affordable housing to increase the capacity to meet housing needs and in particular to provide family housing

- A programme of HRA funded infill development on HRA land
- Approaches to maximise new affordable housing development working where appropriately with partners.
- The re-investment of proceeds released from stock reform
- Redevelopment of existing estates where there is a strong business case to do so

## Risk Management

There are a range of risks that could impact adversely on the Asset Management Strategy and its implementation and the main risks and mitigation measures are outlined below.

Risk	Mitigation
AMS not aligned with changed Corporate priorities or national policy developments	<ul style="list-style-type: none"> <li>Regular monitoring of internal and external policy environment and refresh or full re-set if required</li> </ul>
AMS not adhered to or effectively implemented	<ul style="list-style-type: none"> <li>Establish governance arrangements</li> <li>The Asset Management Plan will set out the programmes and performance management arrangements to assure implementation</li> </ul>
Adverse HRA Business Plan performance, (e.g. arising from impact of direct payments) reduces funding available	<ul style="list-style-type: none"> <li>Anticipation and mitigation through HRA business planning review</li> <li>Re-profile investment or review standard; accelerate asset appraisal and disposal</li> </ul>
Increased investment programme costs arising from under-estimation or tender price inflation	<ul style="list-style-type: none"> <li>Review and extrapolation from out-turn costs on first phase of contracts</li> <li>Re-pricing and profiling of works</li> </ul>
Inadequate programme management resources and expertise to effectively deliver investment programme	<ul style="list-style-type: none"> <li>Procurement and delivery strategy and performance management framework</li> <li>Increase in use of external programme management resources</li> </ul>
Failure to reach or maintain properties at required standard	<ul style="list-style-type: none"> <li>Periodic condition surveys to check standard</li> <li>Tenant satisfaction surveys</li> </ul>
Responsive repairs expenditure rising due to insufficient planned maintenance	<ul style="list-style-type: none"> <li>Active monitoring of responsive repairs expenditure and impact of investment works</li> </ul>
Failure to raise performance and maximise value of assets	<ul style="list-style-type: none"> <li>Initial appraisal of all assets to identify where disposal is appropriate</li> <li>Ongoing appraisal</li> </ul>
Changed profile of housing demand requires varied approach to stock reform/rebalancing	<ul style="list-style-type: none"> <li>Inherent flexibility in rebalancing programme</li> <li>Revise parameters and selection criteria</li> </ul>
Insufficient expertise to deliver development programme	<ul style="list-style-type: none"> <li>Establish and build internal capacity through infill programme</li> <li>Procure external consultancy call-off resources</li> </ul>

## Stock Investment

### Strategic Approach

To adopt and implement an investment standard that will provide for the maintenance and selective improvement of the housing stock.

- This standard meets all current statutory, regulatory and health and safety requirements and for the maintenance of the Decent Homes standard across the stock.
- The standard will be implemented through a seven year programme commencing in 2014/15 which will encompass all the retained stock and will be maintained thereafter.
- To support optimum planning and delivery a rolling five-year budget for capital, cyclical and planned maintenance works will be set.
- The standard will be reviewed after a seven year period, or as required in response to changes in statutory or regulatory requirements.

### Context

From 2002-2006 over £125m was invested in the stock in order to bring it up to the Decent Homes standard supported by additional government funding. Brent was one of the first authorities to achieve the Decent Homes standard across its stock. This investment was particularly centred on internal improvements through kitchen and bathroom renewal.

Over the last five years capital investment has been constrained by the HRA Subsidy system and has been at a markedly lower level of around £60m. This has required some works to be deferred. A significantly increased capital works programme of £15m is being progressed in the current year of which almost half the expenditure relates to fire safety improvements.

A stock condition survey was undertaken by Savills in 2010 based on a 17% internal sample and a 100% external sample of purpose-built blocks which provided industry standard cost estimates and profiles over 30 years for capital and maintenance works based upon standard life-cycles for key components.

### Approach

There is considerable room for discretion in setting the investment standard for the Council's stock and the timing of investment after taking account of statutory, regulatory and related requirements.

A range of approaches has been considered and the financial implications of these. The standard adopted strikes a balance between funding for the development of additional housing and for investment in the existing stock.

A central feature of the standard is the delivery across the stock of a seven-year package of external decorations and repairs and roof and window renewals where required. There is a recommitment to the maintenance of the Decent Homes standard with spending in this area arising mainly after year

10 through a programme of kitchen renewals. There is limited provision for environmental and energy efficiency improvements. The main elements of the standard are summarised in the table below.

#### Investment Standard

- Decent Homes – To maintain the Decent Homes standard across the stock including the programmed renewal of kitchens after twenty years.
- Health and Safety – To prioritise the maintenance of health and safety standards including the completion of a major programme of fire safety improvements over the first two years of the strategy
- Programmed Renewals – To replace all key building elements including windows and roofs at the end of their economic life to an appropriate specification
- External Decorations – To carry out a 7-year cycle of external decorations and repairs, in accordance with contractual requirements
- Environmental Improvements – To make environmental improvements over the first ten years to raise the standard of the worst estates to that of the remainder
- Energy Efficiency – To undertake targeted energy efficiency works, with the support of additional external funding, to reduce fuel poverty
- Mechanical and electrical – Timely renewal of communal and dwelling heating systems and a ten year cycle of electrical testing and remedial works across the stock
- South Kilburn – For those properties that are to be redeveloped provision is not made for capital works or external decorations but only for responsive repairs, other cyclical and health and safety works

#### Funding

The stock investment standard will be funded through the Housing Revenue Account from a combination of capital and revenue expenditure. The projected costs have been developed from the stock condition information and over the first ten year period have been moderated by BHP's analysis of contract pricing for relevant works and through their efficient packaging for delivery.

The profile of investment and the expenditure on the main categories of expenditure is shown in the first table below. The impact on the HRA business plan is shown in the second table which is also shown in graph form in Appendix 3.

Stock Investment Profile		1	2	3	4	5	6	7	8	9	10	11-15	16-20	21-25	26-30
Year	2013-14	14-15	15-16	17-18	18-19	19-20	20-21	21-22	22-23	23-24					
	Health & Safety Works	7.0	15.6	4.6	4.0	1.5	1.3	1.4	1.8	1.2	0.5	2.8	2.4	2.6	1.9
	Future Major Repairs (inc. External Decs)	7.1	7.9	10.4	10.2	10.2	10.2	9.5	9.5	4.5	6.3	35.6	31.4	33.5	24.2
	Environmental Improvements	0.0	0.7	0.7	0.7	0.7	0.7	0.6	0.6	0.6	0.6	3.2	2.8	3.0	2.2
	Disabled Adaptations	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	3.0	3.0	3.0	3.0
	Contingencies	0.7	1.2	0.8	0.7	0.6	0.6	0.6	0.6	0.3	0.4	2.1	1.8	2.0	1.4
	Responsive & Cyclical	11.4	11.4	11.4	11.4	11.4	11.4	11.4	11.4	11.4	11.4	57.0	57.0	57.0	57.0
	Total	26.9	37.3	28.5	27.6	25.0	24.8	24.1	24.5	18.5	19.7	103.6	98.6	101.1	89.7
	Capital Expenditure	15.5	25.9	17.1	16.2	13.6	13.4	12.7	13.1	7.1	8.3	46.6	41.5	44.1	32.7
	Revenue Expenditure	11.4	11.4	11.4	11.4	11.4	11.4	11.4	11.4	11.4	11.4	57.0	57.0	57.0	57.0

HRA Business Plan		1	2	3	4	5	6	7	8	9	10	11-15	16-20	21-25	26-30
	2013-14	14-15	15-16	17-18	18-19	19-20	20-21	21-22	22-23	23-24					
	Debt	142.8	159.1	163.1	166.3	165.9	165.4	163.3	160.8	154.2	146.4	140.0	140.0	133.9	133.9
	Borrowing headroom	56.5	40.2	36.2	33.0	33.4	33.9	36.0	38.5	45.1	52.9	59.3	59.3	65.4	65.4
	Revenue Balances	1.1	2.2	2.2	2.2	1.8	1.9	1.9	2.0	2.1	2.1	48.3	122.8	218.2	351.4

Expenditure in 2014-15 is exceptionally high because of the costs of undertaking remaining fire safety improvement works of £11.5m in that year.

Expenditure over the first seven years to 2022 is higher than in subsequent years. This is due in particular to the estimated cost of external decorations and repairs, roof and window renewals in the first cycle, following a period of limited investment in these areas in recent years.

### **Implementation**

Implementation of the standard requires the delivery of a significantly larger capital and cyclical programme than the average over recent years.

The Asset Management Plan will set out the Procurement and Delivery strategy. This will provide for the packaging and scheduling of works to ensure that those properties in the greatest need of investment are brought forward first and to ensure maximum efficiency and value-for-money is achieved whilst minimising disruption to tenants and leaseholders.

The Action Plan in the appendix sets out the timetable for the production of the Procurement and Delivery Strategy and the setting of the Capital works programme.

## Stock Reform

### Strategic Approach

The objective is to progressively reform the Council's housing stock to improve its overall performance and composition through selective disposal of units and re-investment.

- Following appraisal, poorly performing units will, where appropriate, be disposed of when void.
- Appraisal will be undertaken of freehold-only interests and selected minority interests in blocks and houses and where appropriate these units will be disposed of in order to improve management efficiency.
- A programme of selective disposal of void bedsit and 1-bed units will be undertaken with the proceeds being re-invested in larger family homes to improve the capacity to improve the alignment between housing demand and available supply.
- The proceeds from all disposals will be ring-fenced and re-invested, through acquisition and new development in an appropriate mix and type of accommodation.

### Context

The Council's current tenanted stock has resulted from an extended period of stock loss through Right-to-Buy purchases and the regeneration and redevelopment of particular estates. The resulting stock raises a number of issues in relation to quality and performance, distribution and mix of units.

The financial performance of individual units varies widely across the stock, largely reflecting the extent of stock investment expenditure required, relative to the rental income generated by the units. Over the 30 year HRA business plan period the majority of the stock makes a significant positive contribution to the business plan but a minority of units have a negative financial impact or make a minimal contribution. There are in addition units which are not able to provide accommodation of sufficient quality, or not without an uneconomic level of investment.

Right-to-buy has fragmented the council's stock ownership. Positively, perhaps, this has diversified tenure on estates but it has also added the complexities of large-scale leasehold management and undermined management efficiencies.

Across the stock as a whole the degree of Council stock ownership varies widely. Council tenants account for 50% or less of the dwellings in over half the owned blocks/houses. There are 200 blocks and converted houses where all the individual flats have been sold with the Council retaining only the freehold interest. Council ownership is 30% or less in more than 80 other blocks and houses.

A primary function of the Council's housing business is to provide affordable housing to those in housing need in accordance with its housing priorities and allocations scheme. Its ability to do so depends on the relationship between the mix of the council's stock and the profile of housing demand. The Council's is the largest single provider of social rented accommodation with its stock

representing around 40% of the total social housing stock in Brent and a similar proportion of social lettings. There is a marked disparity between the balance of lettings available within the Council's stock and the profile of demand by bed-size.

- Bedsit and 1-bed units constitute over a third of the Council's housing stock currently and represent over half of all lettings but under a third of demand.
- In contrast available lettings to meet 3 and 4-bed need are half of the relative demand for these units.

## **Approach**

An active approach will be taken to the reform of the stock in order to improve:

- Management efficiencies through stock rationalisation
- The balance between housing demand and available supply through stock-rebalancing
- Stock performance and quality through appraisal and selective disposal

## **Stock Rationalisation**

In the 200 blocks and houses where the Council has no leasehold interests the freehold should be disposed of, subject to an appraisal to identify where there are development opportunities or other relevant considerations. In the first instance the freehold will be offered to the existing private leaseholders. Such an approach will apply where further freehold-only interests arise.

Where the Council has a minority leasehold interest of 30% or less these units will, subject to individual appraisal, be earmarked for disposal. Consideration will be given in each case whether to undertake disposal at the point that the unit becomes vacant through normal turnover or whether to decant these units through the provision of suitable alternative accommodation.

## **Stock Rebalancing**

A stock rebalancing programme will be undertaken to provide for a significantly improved alignment between available lettings and housing demand.

This will entail the disposal of a proportion of bedsit and 1-bed units while maintaining a supply of these units for re-let that is in balance with the proportionate demand for them. The proceeds from the disposal of these units will be ring-fenced and invested in the development or acquisition of larger units or other types of accommodation that meet identified needs that are under-provided for.

The parameters for this programme, and the arrangements for its implementation, will be developed as part of the Asset Management Plan. These will need to be kept under review over the course of the strategy in response to any changed priorities in relation to the Council's allocations scheme, changes in the profile of demand, and changes in new supply arising from new development by the Council and other providers in the borough.



## **Stock Performance and optimisation**

In the context of the agreed investment standard the financial performance of units across the stock will be appraised. Where units are not economic to retain because of the extent of investment required under the standard, or where units are of inherently poor quality, an appraisal will be undertaken to identify whether disposal rather than retention is the most advantageous option. If disposal is the appropriate course this may be at the time that the property naturally becomes void or, where practical, the property may be decanted through the provision of suitable alternative accommodation.

### **Appraisal**

Whether the purpose is to rationalise ownership, improve financial performance or to select properties for stock re-balancing, an appraisal will need to identify which property interests to dispose of taking account of a number of factors including the:

- Financial performance of the unit
- Quality of the accommodation
- Impact on the balance and mix of the stock
- Impact on management efficiencies
- Impact on options if estate redevelopment is under consideration

An appraisal methodology that provides for the above will be set out within the Asset Management Plan.

### **Disposal and Re-investment**

Capital receipts arising from disposals will be ring-fenced for affordable housing and will be invested directly or through a third party in the acquisition or development of larger family units and other types of accommodation that are under-supplied.

Selective disposal of individual units will be undertaken in one of two ways, or through a combination of approaches.

#### **1. Market Disposal**

Selected void units may be disposed of through open market sale and the proceeds ring-fenced and re-invested. This approach does not require government consent. This approach will generate the maximum receipt.

#### **2. Transfer Disposal**

Units may be disposed of by transfer to another party with the units being let at affordable or market rents. The transfer could be to BHP or to a Housing Association partner. The transferred units would generate a receipt, based on the higher rents. After allowing for HRA debt on the disposal unit the remaining receipt could be used to acquire or develop larger units, either within the HRA or through the recycling of the receipt to the other party. The option of transfer disposal depends on obtaining specific government consent.

The development of the Asset Management Plan will establish whether the necessary consent for transfer disposal will be granted and the optimum balance and application of the approaches outlined.

## Development

### Strategic Approach

To undertake a programme of new-build development of affordable housing and to pursue approaches to maximise affordable housing development to meet housing needs.

- A programme of HRA funded infill development on HRA land will be implemented over the first three years of the strategy.
- The intent will be to maximise new affordable housing development within the context of other strategic priorities and the HRA Business Plan.
- This may be achieved through direct HRA development or through working in partnership with others or a combination of approaches. The most advantageous means to provide additional affordable housing will be evaluated and implemented.
- There is limited capacity to build within the HRA estate and the potential for affordable housing development on suitable General Fund sites will be appraised, taking full account of the overall financial implications for the Council.
- Stock reform will generate additional resources from disposal that will be ring-fenced and applied to new development, alongside acquisition where this is more advantageous.
- RTB replacement receipts will be contributed to support the Council's HRA development programme and s106 commuted sums will also be used where appropriate
- Development will expressly be weighted towards the provision of larger units and other accommodation to meet identified housing needs that are least well provided for.
- Proposals for a programme of estate regeneration and redevelopment will be developed and will inform the final strategy.

### Context

In recent history new affordable housing has been brought forward by Housing Associations developing in Brent. The current GLA funded programme runs to 2015 and is very largely committed to the provision of Affordable Rent units. The GLA intends that 35% of these units are for 3 bed or larger units but there is concern that development will be skewed towards smaller units whereas the most acute shortage of supply in Brent is for larger family units. The prospects for government or GLA funding beyond 2015 are unknown.

There is very limited capacity for development within the existing HRA estate. An assessment has identified scope for approximately 75 units to be built on former garage and other infill sites.

In the short-term HRA funding for new development is constrained by stock investment needs and the HRA debt cap.

The Council has a successful track-record in enabling estate regeneration to replace failing and poor quality estates with higher quality housing developments, with redevelopment programmes currently underway at Barham Park and South Kilburn. A number of existing estates have been provisionally identified where there may be a case and opportunity for such an approach to provide better quality and, potentially, additional affordable housing.

## Approach

New affordable development will increase the Council's capacity to meet housing need, to re-balance its stock and to maintain and increase management efficiencies. The development of new affordable housing is a central business objective and a core element of the Asset Management Strategy.

## Infill Development

An infill development programme will be undertaken across the identified sites from 2013-16, subject to design, consultation and planning.

The programme will be HRA-funded as shown in the table below. This is based upon a preferred mix of units built for Affordable Rent and takes account of expenditure under the investment standard.

		Infill only					HRA Balances (at end of period) £000
Year		2 Bed, 4 Person No.	3 Bed, 5 Person No.	4 Bed, 6 Person No.	Total No.	Build & Land Costs £000	
1	2013.14	0	0	0	0	£0	£1,149
2	2014.15	14	14	7	35	£4,999	£2,145
3	2015.16	16	16	8	40	£5,885	£2,342

## Further New-build Development

In order to maximise new affordable housing development a range of approaches and arrangements will be considered and applied and opportunities to draw in external funding will be exploited. The approaches to be taken are not pre-determined. In deciding which approaches to take account will be taken of the quantity and timing of additional housing that will be realised and the financial implications for the HRA and the Council more generally.

Among the approaches to be considered in the further development of the strategy and in its implementation are:

**HRA direct development** – There is financial capacity to undertake additional HRA-funded development, after taking account of the infill programme. This is, however, constrained by the debt cap. The table below provides an estimate of the scale of development that could be realised over the next 10 years within the HRA cap. This includes an allowance for land costs. In addition to the infill programme of 75 units a further 100 units could be developed by 2017. Over the following five years around 90 further units could be afforded.

Infill, plus 10 year new build programme							HRA Balances
Year		2 Bed, 4 Person No.	3 Bed, 5 Person No.	4 Bed, 6 Person No.	Total No.	Build & Land Costs £000	(at end of period) £000
1	2013.14	0	0	0	0	£0	£1,149
2	2014.15	14	14	7	35	£4,999	£2,145
3	2015.16	36	36	18	90	£16,265	£2,604
4	2016.17	20	20	10	50	£10,691	£2,464
5	2017.18	0	0	0	0	£0	£1,880
6	2018.19	0	0	0	0	£0	£1,889
7	2019.20	3	3	1	7	£1,620	£1,901
8	2020.21	3	3	2	8	£1,897	£1,949
9	2021.22	17	17	8	42	£10,210	£1,991
10	2022.23	16	17	8	41	£10,216	£1,980

- **Advance Development Partnership** – HRA funding could be used to appropriate Council land into the HRA which would be provided to a Housing Association who would finance and develop new affordable housing to which the Council would have nominations. The Council would have the option to purchase and bring these units into the HRA at a later date and thereby recover its land contribution and increase its stock. This approach would increase the amount of affordable housing provided in the short-term. It could also operate on the basis of a long-term partnership.

Market and transfer disposal receipts arising from stock reform and replacement RTB receipts will also be applied to fund affordable housing development or, where appropriate, acquisition of units. This may be through the HRA or where appropriate through other arrangements in order to maximise the provision of affordable housing, taking account of the financial implications for the HRA.

### Estate Regeneration

A limited number of estates have been identified where it may be appropriate to replace existing housing with better quality homes and where there is potential to provide additional housing to provide cross-subsidy and potentially additional affordable housing.

These findings are only preliminary and individual feasibility studies will be undertaken in advance of the finalisation of this strategy to examine further the development potential of each and the case for adopting a regeneration approach. Following these studies options for the financing and delivery of a programme of estate regeneration will be evaluated.

Estate redevelopment is complex and requires a large commitment of resources, whatever the delivery approach, and it is probable that any programme will be confined to a few estates only, at least initially, but a larger programme could be devised for the longer-term.

## Appendix 1 - Developing the Asset Management Strategy

The Draft Asset Management Strategy provided here will be subject to internal review and will then be further refined prior to a report being taken to the Council's Executive.

It is envisaged that the core elements of the strategy will then be subject to consultation with Council housing tenants and leaseholders and the wider community. The strategy will then be finalised and reported to the Executive in the early autumn for decision .

The development of the **Asset Management Plan** will parallel the revision and finalisation of the Asset Management Strategy. This document will set out the implementation arrangements for the constituent programmes required to deliver the strategy. It will draw on a number of work-streams that will be progressed over the period in relation to stock investment, stock reform and development.

A summary programme for the above is provided below:

Summary AMS Development Programme	Lead	May	June	July	August	Sept	Oct
<b>Asset Management Strategy</b>							
Member Seminar							
CMT							
PCG							
Executive							
Consultation on draft AM strategy							
Asset Management Plan Production	Sector						
Executive Approval of final AMS							
<b>Stock Investment</b>							
Capital works procurement & delivery strategy	BHP						
Consultancy and Contractor procurement	BHP						
Draft 5-year capital works programme	BHP						
<b>Stock Reform</b>							
Develop rebalancing programme arrangements	Sector						
Freehold disposal appraisal	P&P						
Minority interests disposal appraisal	P&P						
Develop appraisal methodology / criteria	P&P						
<b>Development</b>							
Infill development strategy							
Infill programme development	BHP						
Estate Regeneration feasibility studies	P&P						
Produce development strategy	RMP						
Corporate site development potential	P&P						
Agree Partnership options for examination							
Partnership business case development	Sector						

## Appendix 2 - Rent Policy

Rents are the primary income to the HRA business plan. The HRA business plan and the draft Asset Management Strategy are based on a continuation of recent rent policy over future years and reasonable assumptions in relation to inflation and income collection.

In order to provide a secure basis for the funding of the asset management strategy it is proposed that the Council agree a rent policy for the next five year period to 2019. The following policy position is proposed:

### Rent Policy – Strategic Approach

For rents to continue to increase in line with the rent convergence regime- a maximum annual increase of RPI+0.5% plus £2 per week for existing tenants.

Following rent convergence for the annual increase to be set at RPI+0.5%.

For properties to be re-let at target rents.

For consideration to be given to restraint in rent increases for 4-bedroom and larger properties in order to assure affordability under the benefits cap which is being introduced later in 2013.

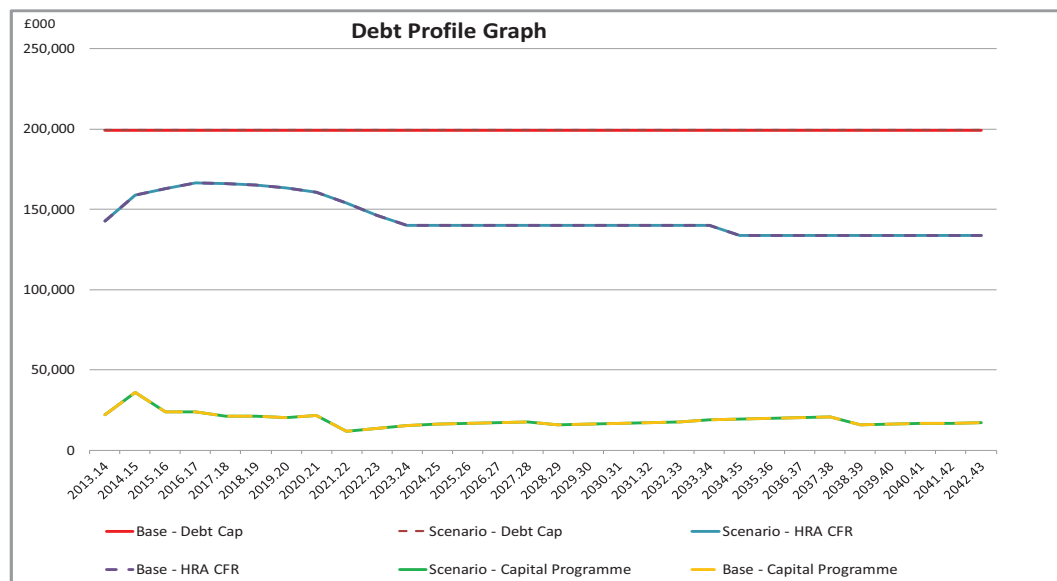
New-build and newly-acquired properties (except where required for decant) to be let at affordable rents in line with the thresholds set within the Council's Tenancy Strategy.

## Appendix 3 – HRA Business Plan Impact

The following graphs show the impact on the Housing Revenue Account of the stock investment and new development approaches set out in the strategy.

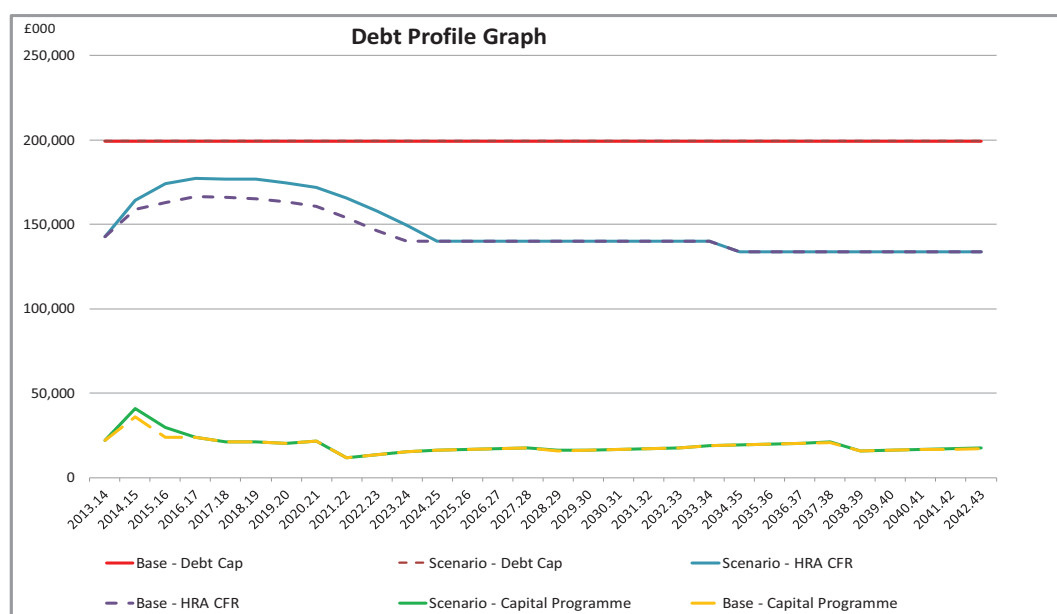
### Stock Investment

The graph below shows the profile of capital expenditure (green-yellow line) and the level of debt over the business plan period (blue line). The red line is the debt cap which represents the ceiling on allowed HRA borrowing.



### Infill Development

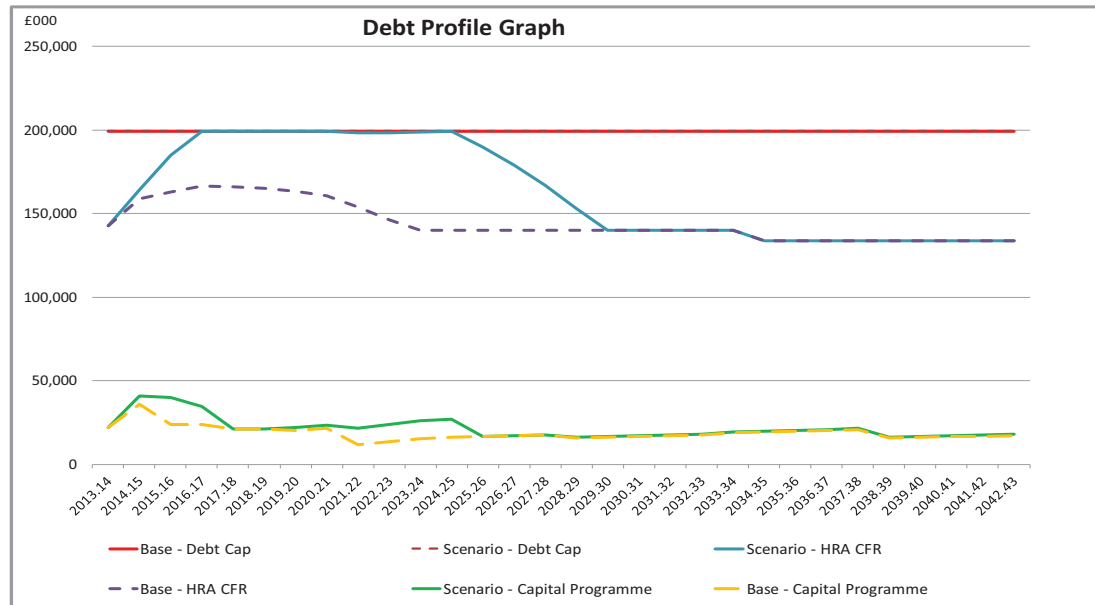
The graph below shows the impact of the infill programme after taking into account the profile of stock investment.






## Infill and Additional Development

The graph below shows the impact of the infill programme and the maximum level of additional affordable housing that can be afforded over the first ten years – an estimated sum around 270 units. The Council reaches its borrowing limit in 2016/17 and it remains at this level to 2022/23.



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 <p><b>Brent</b></p>	<p><b>Executive 15 July 2013</b></p> <p><b>Report from the Strategic Director of Regeneration and Growth</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p><b>Supply and Demand of Accommodation</b></p>	

## 1.0 Summary

- 1.1 This report seeks Members' approval of the lettings projections for social housing for 2013/14. It also provides an analysis of housing supply and demand issues, including performance in 2012/13 and challenges for 2013/14 onwards. A number of recommendations are made in order to manage these challenges.

## 2.0 Recommendations

- 2.1 That Members approve the lettings projections for 2013/14, as detailed in paragraph 3.3 and in Appendix C
- 2.2 That Members note the analysis of housing supply and demand issues, including performance in 2012/13 and challenges for 2013/14 onwards.
- 2.3 That Members approve the proposed pilot of incentives for mutual exchanges for under-occupiers living in BHP accommodation, as detailed in paragraph 5
- 2.4 That Members approve the proposed amendments made to the Allocations Scheme, as detailed in paragraph 4

## 3.0 Detail

- 3.1 The body of this report is divided into five sections, which cover:
- Supply and demand analysis, trends and performance in 2012/13,
  - Proposed lettings projections for 2013/14,
  - A brief outline of some of the issues and challenges facing the Council from 2013/14 onwards, which can be expected to have an impact on housing supply and demand.

- Details of a proposed pilot scheme to incentivise BHP tenants downsizing through mutual exchange
- Details of proposed amendments to the revised Allocations Scheme

## 3.2 **Supply and Demand Analysis, Trends and Performance in 2012/13**

### 3.2.1 Demand for Housing

The significant gap between the demand for housing assistance and the available supply of social rented accommodation, particularly in London, has been well documented. In Brent, demand from households at risk of homelessness, households in temporary accommodation, Council tenants seeking a transfer, and applicants on the Housing Register is mapped against expected future trends and supply levels, both in terms of social rented accommodation, but also from within the private rented sector.

3.2.2 Current projections show that the level of unmet demand in the Borough is over 10,366 households. However it should be noted that this figure excludes demand from households on the Housing Register who are in Band D (and therefore under the Council's Allocations Scheme, have no identified housing need). Including these households would give a level of unmet demand within the Borough of 14,441 households. The new Allocations Policy is due to go live on the 1<sup>st</sup> October 2013. In the new Allocation Scheme four bands will be retained, with bands A-C reflecting some level of housing need, while band D will be re-designated as an "inactive" band. This would enable households with no apparent need to register, to have access to housing options information, to update their position if circumstances changed and might entitle them to a higher banding and, in limited circumstances, to bid where no successful bid is made by an applicant in a higher band.

### 3.2.3 Housing Register and Transfers Demand

Total current demand on the Housing Register, including homeless households in temporary accommodation, and the Transfer list is just over 19,000 households. Of these, 70% are in Bands A to C. In contrast we expect to make around 844 lettings into permanent social housing tenancies (Council and housing association) by the end of 2013/14 – this meets around 9% of the current total demand from Bands A to C.

3.2.4 A breakdown of current applications on the lists, by demand group and the number of bedrooms needed is provided in Appendix A.

### 3.2.5 Homelessness Applications and Decisions

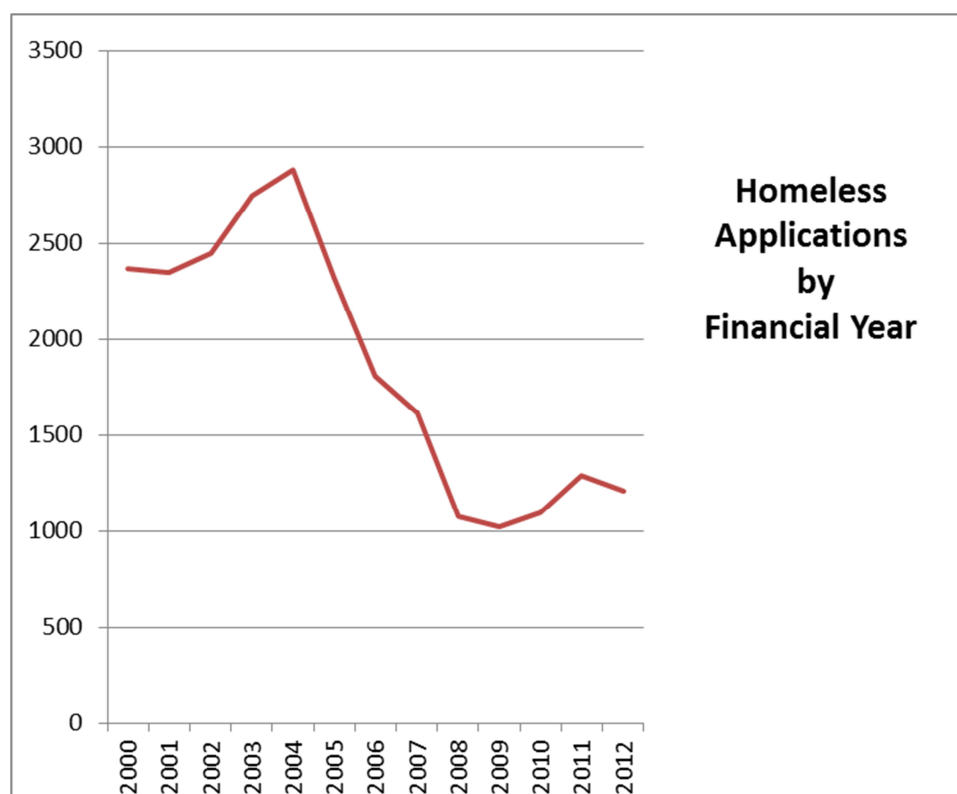
Not all households who make a formal homeless application are assisted with accommodation, although all are provided with appropriate advice. The Council makes a formal assessment against a number of criteria as prescribed in legislation, before determining whether it has a long-term duty to rehouse a homeless household.

3.2.6 The graph below shows how the number of homeless applications has varied since 1995/96. As the graph shows, homeless applications began to decrease in 2005/06, when the Council first implemented an in-house housing advice

service. The success of this team in either preventing homelessness or providing alternative accommodation (generally in the private rented sector) is demonstrated through the marked drop in statutory homeless applications received from 2005 to 2010.

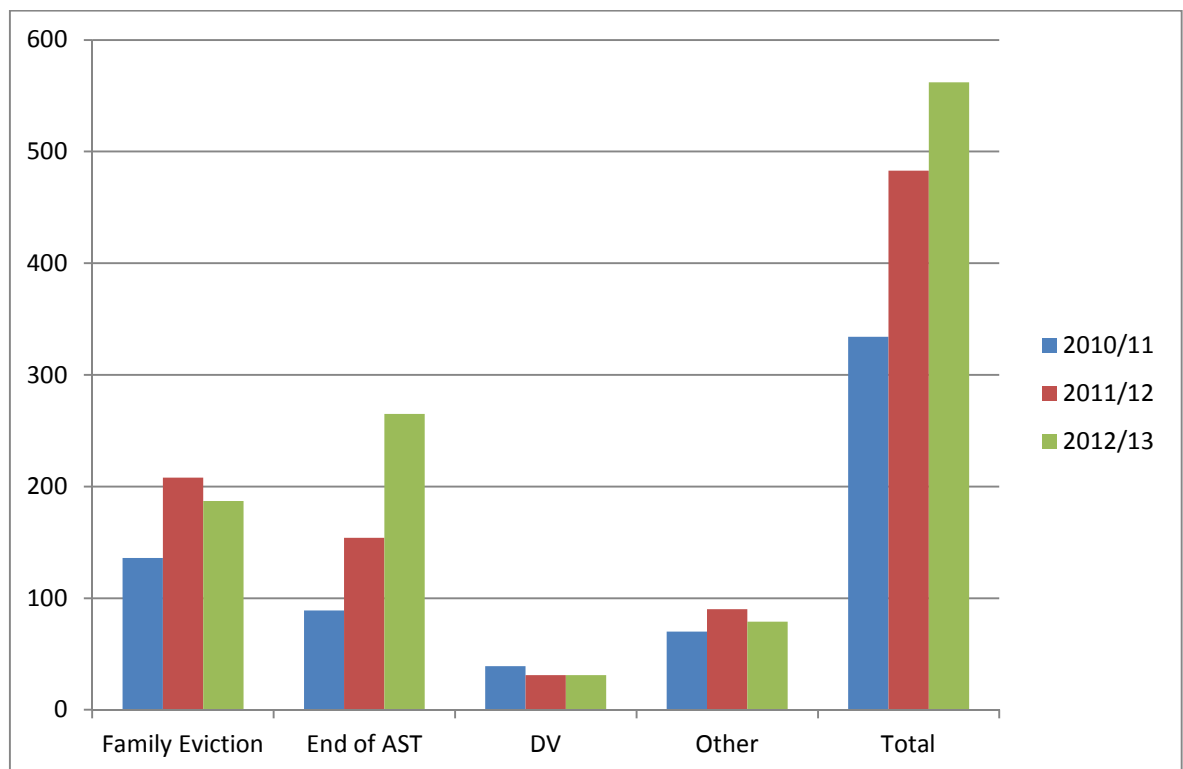
- 3.2.7 However this downward trend was reversed in 2011/12, with a 35% increase in homeless applications received in 2011/12.

**Table 1 - Number of Homeless Applications**



- 3.2.8 Government figures released in June 2013 show that the number of homeless households in England has risen by 6% over the past year, to the highest in five years. The number of households accepted as homeless in London the final quarter of 2012/13 increased by 6% from the same quarter last year and accounts for 30% of the England total.
- 3.2.9 The number of households to whom the Council has accepted a full rehousing duty to, increased by 16% in 2012/13. This increase in homelessness acceptances is largely attributable to a sharp rise in the number of households who became homeless due to the end of a letting in a private sector property. Historically the main reason for homelessness in Brent has been due to Family/Friends excluding applicants. However in 2012/13, the main reason for homelessness was due to a private sector tenancy ending (end of an Assured Shorthold Tenancy), family/friend evictions was the second main cause of homelessness and domestic violence (DV) the third main cause.

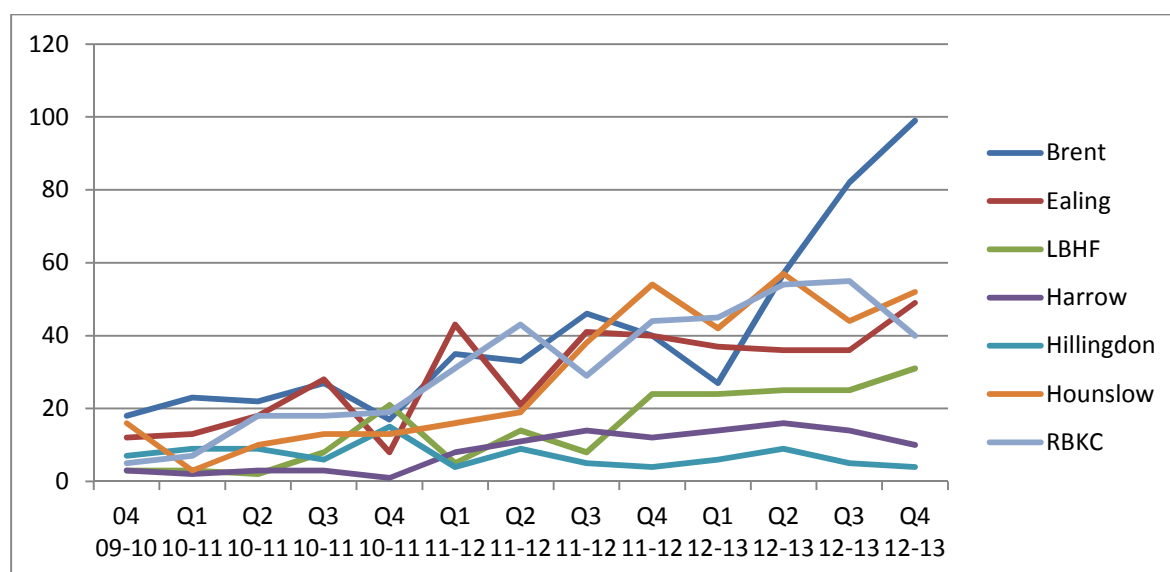
**Table 2 – Reason for Homelessness of Accepted Applications by Financial Year.**



- 3.2.10 This increase in evictions in the private sector is due to the impact of the changes in Local Housing Allowance (LHA). A package of changes was announced by the government in 2011, which included setting a cap for the maximum LHA payable per property size with an overall limit set at the four-bed rate. Although these changes came into effect from 01/04/11 for all new tenancies agreed from that date onwards, existing tenancies were subject to transitional protection for up to nine months (until the anniversary of their claim). This transitional protection resulted in a delay in the expected rise in evictions, due to households not being able to meet the rental shortfall from their own funds. .
- 3.2.11 Analysis of homeless acceptances in 2012/13 shows that 47% of cases were homeless because of the end of a letting in a private sector property. This compares to 32% in 2011/12 and 26% in 2010/11. Whilst not all these cases can be directly attributed to the LHA changes (as there may have been other reasons for the landlord wishing to end the tenancy), the timing of the LHA cap being applied when the current market conditions in the PRS are so buoyant, would suggest that the majority of these cases were made homeless as a direct result of the cap being applied.
- 3.2.12 There were 17,043 households living in private rented accommodation in Brent in 2001, representing 17% of the total households. The 2011 Census showed that the number of households living in private rented accommodation had increased to 31,784 (an 86.5% increase), with this category now representing 28.8% of

households in Brent. The increase in the number of households living in the private rented sector accounts for the significant increase in homelessness because of the end of a letting in a private sector property, which has been particularly high in Brent compared to our neighbouring boroughs in West London. (see table 2 below). This increase is also due to the South of Brent being within the Inner London Broad Rental Market Area (BRMA), which is used to calculate LHA rates, coupled with high levels of benefit dependency in the borough.

**Table 3 – Number of Accepted Homeless Applications in West London due to End of an Assured Shorthold Tenancy**



- 3.2.13 Dedicated LHA Mitigation Teams were established in Housing Needs and the Revenue and Benefits service, funded by a one-off grant from the Department of Communities and Local Government (DCLG) in 2011/12 to help mitigate the impact of the Local Housing Allowance changes on the most vulnerable households. It is reasonable to assume that the number of homeless approaches would be far greater without this positive intervention work.
- 3.2.14 As anticipated, the LHA caps have also had a significant impact on the Council's ability to procure properties in the private rented sector for direct lettings, and therefore prevent homelessness. The LHA caps make it unaffordable for households who require 2 bedrooms or more to live in the South of Brent, unless they are in receipt of Working Tax Credit (and therefore exempt from the Overall Benefit Cap). Although the North of the borough is still potentially affordable for households who require one or two bedroom properties, landlords in the North of the borough do not tend to rent accommodation to households in receipt of benefits, as market rents in the North of the borough outstrip the LHA rate.

3.2.15 The Council procured a total of 548 private sector properties for direct lettings, in 2010/11. However in 2011/12, the number of properties procured dropped to 265 followed by a further drop to 164 properties in 2012/13. Officers are actively working to improve this situation and the Private Sector Landlord forum is being re-launched in July 2013 to encourage interest. However it is expected that levels of procurement in Brent will remain low, due to the LHA changes

3.2.16 Rough Sleepers

Definitions of 'rough sleeping' have changed over time; until 2010 rough sleeping was defined as those 'sleeping, or bedded down, in the open air, or in buildings or other places not designed for habitation'. In 2010 the definition expanded to include rough sleepers 'about to bed down' e.g. sitting or standing near their bedding but not actually lying down and to people living in tents.

3.2.17 Formal counts of people sleeping rough have been conducted in Brent since 2006 and the outcomes of these are set out in the table below. These figures represent a snap shot of the extent of rough sleeping on a given night where known rough sleeping 'hot spots' are visited and rough sleepers counted in accordance with DCLG guidance described in paragraph 3.2.18 above. A further count is expected to take place in November 2013.

**Table 4: Snapshot rough sleeping street count**

Date of count	Number of rough sleepers verified
March 2006	1
November 2008	4
November 2009	4
November 2010	3
November 2011	7
November 2012	11

3.2.18 A more accurate picture of the levels of rough sleeping is shown in Table 2 which sets out those rough sleepers verified under DCLG definitions as set out in paragraph 3.2.1 above throughout the year from April 2005 when data collection started

**Table 5: Rough sleeping street verified throughout the year**

Financial year	Total number of rough sleepers verified	Flow (new to rough sleeping)	Stock (living on the streets 2+years)	Returners (returning to the street after a year of settled living )
2005/2006	43	Not recorded	Not recorded	Not recorded
2006/2007	61	Not recorded	Not recorded	Not recorded
2007/2008	83	Not recorded	Not recorded	Not recorded
2008/2009	139	132	2	5
2009/2010	75	68	3	4
2010/2011	39	38	1	0
2011/2012	166	155	6	5
2012/2013	235	208	9	6



- 3.2.19 Brent has seen an increase of 267% of verified rough sleepers across the last two financial years at the formal snapshot rough sleeping counts (Table 1) which compares to a national average increase of 23% and a London average increase of 43%. However, in real terms based on the numbers of rough sleepers verified throughout the year, the increase has been over 500% over the last three financial years (Table 2).
- 3.2.20 Brent has not traditionally had high numbers of people 'living on the street' but again this is an increasing trend over the last two financial years and we now have six people living on the streets. This is of concern due to the complexities associated with the reasons people live on the streets and the challenges faced in assisting people into settled living or supporting and/or removing those who have no recourse to public funds.
- 3.2.21 The DCLG have allocated funding nationally to support authorities to provide services for single non priority people with acute housing need and to prevent rough sleeping over 2012/13 and 2013/14. The total allocated to the West London Sub Region is £1m of which £500,000 is being held by RBKC and used to fund sub regional projects including incentive schemes to move to the private rented sector and the West London Reconnect Project. The remaining £500,000 has been distributed to boroughs for borough specific projects. The Brent funding of £78,000 is being used to fund procurement of private rented sector accommodation to prevent and deal with street homelessness for the under 35's, additional outreach and resettlement staff to increase the capacity of Cricklewood Homeless Concern which provides this service and the annual winter shelter.
- 3.2.22 Beds in Sheds  
Brent received £163k in 2012/13 from the DCLG to support work which responds to problems related to 'beds in sheds'. An action plan was agreed by Planning Committee last year that set out measures the Council would employ to deal with the problem. This one off grant is contributing to the funding of two additional planning enforcement officers to the end of 2013/14. A shed mapping system and aerial photographs have also been acquired and are being used to identify where new sheds have been built
- 3.2.23 There are two main areas of work that have been identified. The first is reacting to complaints from members of the public. In this regard officers have been carrying out publicity and raising awareness in the form of articles in the Brent Magazine, developing and improving joint working arrangements and understanding within the Council, particularly the Audit and Investigations Unit, and with partner agencies such as the Police, Fire Brigade, and the UKBA. Officers have also attended the local Brent Connects forums.
- 3.2.24 The second area of work relates to the proactive investigations that officers have been conducting. This involves using aerial photographs to identify new outbuildings which may be used as living accommodation. So far survey work has been carried out in conjunction with the police in the following areas:-

- Parts of Alperton
- Parts of Queensbury and Fryent
- Most of Wembley Central and Tokyngton Wards
- Parts of Dudden Hill
- Brondesbury Park
- Half of Welsh Harp

3.2.25 Officers have to date surveyed 326 buildings. Of these 36 (11% of buildings survey) amounted to beds in sheds where enforcement action will be pursued. A further 22 (6.7 %) may amount to a potential breach and further consideration is required. 160 (49.1%) did not amount to a breach of planning control. 100 (30.7 %) buildings could not be accessed and require a further visit. Breaches of other forms of planning control were identified at 8 (2.5%) properties.

Officers have so far surveyed 50% of the areas of the borough that have been identified as known potential problem areas. Therefore it is projected at the end of the project, officers will have found in the region of 100 beds in sheds

#### 3.2.26 Households Living in Temporary Accommodation

Numbers in TA have increased by 2% during 2012/13, an increase of 62 households. As at the end of March 2013, there were a total of 3,246 households in temporary accommodation. The future challenges facing the Council as outlined in section 3.4, and the current rising trend in homelessness is expected to result in increasing pressure to use TA for homeless households. However, new powers introduced under the Localism Act 2011, to discharge homelessness duties to the Private Rented Sector, as opposed to placing households in TA, is predicted to have a positive impact on the number of households placed in TA, as long as the Council can source a sufficient supply of suitable accommodation in the Private Rented Sector.

3.2.27 The majority of temporary accommodation that the Council uses is self-contained property (flats / houses), owned by a landlord and leased to a housing association, or managing agent. The actual length of time that households can expect to live in temporary accommodation will depend on individual circumstances, particularly the size of the accommodation that is required. Households requiring three bedrooms or more can expect to wait in excess of 8 years for a permanent offer of accommodation.

3.2.28 With the introduction of the LHA caps, the overall benefit cap in August 2013, Universal Credit likely to be implemented for new claims from November 2013 and the anticipated changes to the Temporary Accommodation subsidy, it will become increasingly difficult to procure two, three, four and five bed accommodation within the geographical boundaries of the Borough under any of Brent's existing TA leasing schemes

3.2.29 The Council has therefore entered into a new leasing contract with 18 accommodation providers to procure properties in cheaper areas of the country, therefore minimising subsidy loss incurred. This will result in a higher number of out of borough placements, particularly for larger sized households. Out of borough placements have risen from 120 households accommodated outside of

the borough in February 2012 to 326 in May 2013, (a 368% increase.). This figure is expected to rise further due to the increasing demand pressures. There will also be a corresponding increase in the amount of legal challenges and requests for suitability of accommodation reviews that the Council deals with. There is a risk that if we lose these legal challenges, the council will have no choice but to accommodate households with-in the borough, and make up the financial shortfall between the more expensive rents in borough and the household's benefit entitlement.

3.2.30 Homeless Households in Hotels / Hostels

The Homelessness Order 2003 which came into force on 1 April 2004 means that local authorities cannot legally discharge their homelessness duty to secure accommodation by placing families with children in B&B unless nothing else is available, and even then for no longer than six weeks.

3.2.31 The number of households in hotels has remained fairly static during 2012/13 with an average of 237 households per month living in bed and breakfast accommodation. However, there has been a sharp increase in the use of bed and breakfast accommodation in the first quarter of 2013/14, and the figure as at the end of May 2013 was 289. This increase is a direct result of the increase in homeless approaches from private sector tenants, who have been evicted from their accommodation due to the LHA caps.

3.2.32 The number of families with children in B&B for longer than six weeks has been managed to ensure that we remain compliant with the Homelessness Order. However with rising demand and a decreasing supply of affordable accommodation available, the Council has reported have one family with children in B&B for more than 6 weeks at the end of quarter three, and eleven families at the end of quarter four. We have been invited by DCLG to bid for a maximum of £300K grant money to help to tackle this issue. A bid will be submitted to fund two posts to work proactively with families in B&B to help them to find alternative accommodation in the private rented sector.

3.2.33 Many London Council's have experienced similar spikes in the use of bed and breakfast accommodation, as Welfare Reform impacts. This has resulted in the increasing use by Councils of expensive commercial hotels (Travelodge, Holiday Inn etc.), which has been reported in recent articles in the media. In 2012/13 and the current year, there have been 2 placements in this type of hotel by Brent. The first was for a period of seven days, the reason being that there was a severely disabled child in the household and no other suitable property could be identified. The second placement was of a disabled single man, and was for one night only.

3.2.34 Permanent Lettings 2012/13

At the beginning of each financial year, Members are asked to approve a set of detailed lettings projections. The table below summarises actual lettings performance for 2012/13 against the projections that were originally agreed.

**Table 6 – Lettings Variance from Targets – 2012/13**

		Targets 2012/13	Actuals 2012/13	% Variance
Target Group	Homeless	370	299	-19%
	Register	256	218	-15%
	Transfer	342	153	-55%
	Total	968	670	-30.8%

3.2.35 Since the Council operates a choice based lettings system (Locata); it is likely that there will be some variation from original projections. However officers continue to monitor performance against these expectations, in order to ensure that lettings support a range of strategic priorities.

3.2.36 As the table shows, 30.8% fewer lettings were achieved than had originally been expected. This is mainly due to the original forecast of Housing Association units that would be available for letting during 2012/13 was 553, however the actual number of units that were available was 268 (a 51% reduction). The reason for the decrease in the number of Housing Association units that were available was due to a combination of slippage in the delivery of new build units, and fewer relets of units, due to uncertainty around the impact of Welfare Reform.

3.2.37 The target achieved for lettings to BHP units during 2012/13 was 402 against a forecast of 415.

3.2.38 A detailed breakdown of lettings made in 2012/13, with a breakdown of beds needed and demand groups is provided in Appendix B.

### **3.3 Proposed Lettings Projections 2013/14**

3.3.1 By analysing trends in Council and Housing Association lettings and taking into account the availability of new build supply for social renting, officers currently expect to achieve a total of 844 lettings during 2013/14.

3.3.2 The majority of these lettings will become available through re-lets within existing social housing stock. However the Council expects a total of 163 properties to be delivered through the new build programme. This forecast is on the basis that the units will be available for occupation during 2013/14. A level of contingency has been assumed to allow for slippage. The fall in the volume of new build and re-lets from last year is a result of a drop in starts on site seen during 2012 and uncertainty with respect to re-lets due to housing and welfare reforms.

- 3.3.3 The table below summarises the distribution of these lettings across the different bedroom categories.

**Table 7 – Brent and Housing Association – Projected Lettings 2013/14**

	Bedsit	1 bed	2 bed	3 bed	4 bed +	Total
Brent	20	145	175	65	15	420
RSL	9	117	176	102	20	424
Total	29	262	351	167	35	844

- 3.3.4 It should be noted that projected lettings will only be able to meet a small proportion of the total housing need in the Borough. Members will recall that previously they were asked to agree a detailed set of lettings targets for each demand group in line with the Council's Allocations Scheme and strategic priorities. However, the implementation of Locata (the choice based allocations scheme) gave officers less direct control over lettings and provided choice to applicants on the Housing Register about where to live.
- 3.3.5 Since projected lettings can only meet a small proportion of the housing need in the borough, it is therefore important that the prioritisation of lettings is carefully considered. The different demand groups reflect priorities as set out in the Allocations Scheme, and officers therefore consider it appropriate to provide a detailed set of projections based on these demand groups. In addition, specific quotas have been set for a small number of high priority groups, for example, Children in Need, Adults Social Care, and Under-occupiers.
- 3.3.6 Members are therefore asked to approve the lettings projections set out in Appendix D. This lettings scheme is similar to 2012/13 and supports a number of policy areas, strategic objectives and new initiatives, including the following groups.
- 3.37 Decants  
40 lettings are projected to deal with transfers required due to decant needs and to take account of the South Kilburn Regeneration Scheme decant programme.
- 3.38 Under-occupiers and Overcrowded Tenants  
80 lettings are projected for the Council's Under-occupation Scheme, which the Executive approved in April 2013. The implementation of the Size Criteria (Bedroom Tax) – (see paragraph 3.4.7 below), on the 1 April 2013, affected 2,000 households in Brent. To help mitigate the impact of the size criteria, Members approved a revised incentive policy, on 22 April 2013, for BHP tenants who are under occupying accommodation, to downsize to appropriately sized property. The void properties that will be created will make a significant contribution to the available pool of larger properties available for letting, and it is proposed to make direct offers of these vacated units to larger households currently living in TA, who will be affected by the Overall Benefit Cap. Section 4 below outlines proposals for a mutual exchange pilot scheme for BHP tenants.

- 3.3.9 Children Leaving Care  
25 lettings from the Housing Register are targeted for Children Leaving Care, to assist the Children and Families department in rehousing young adults.
- 3.3.10 Adults Social Care  
15 lettings from the Housing Register are targeted for Adults Social care nominations, particularly for adults leaving residential care placements, and other high need vulnerable customers.
- 3.3.11 Homeless Households  
60% of lettings are targeted for homeless households - this percentage is higher than in previous years it is necessary to increase our % of permanent lettings to help mitigate the impact of the Overall Benefit Cap on the households currently living in TA in the South of the borough. Whilst the introduction, under the Localism Act, of the power to discharge a statutory homeless duty by securing suitable accommodation in the private rented sector will provide another means for the Council to assist homeless households who made their application after the 9<sup>th</sup> November 2012.

### **3.4 Challenges for Housing 2013/14 and onwards**

- 3.4.1 The previous sections have highlighted the sizable gap between housing supply and demand for assistance, and have outlined some of the strategic priorities underpinning the 2013/14 lettings projections. However Members will already be aware that housing faces specific challenges over the coming year and beyond, due to Welfare Reform which are expected to have a significant impact on service delivery and the Council's ability to manage housing needs within existing budgets. This section outlines some of these challenges and explains what impact officers expect there to be on the service provided.
- 3.4.2 Local Housing Allowance Changes  
Paragraph 3.2.10 above outlined the impact that the implementation of the changes to Local Housing Allowance has had to date. These changes are expected to have a continued impact on our ability to procure accommodation in the Private Rented Sector during 2013/14, and beyond, as landlords will be unwilling to engage with tenants in receipt of benefit.
- 3.4.3 In addition, from April 2012, the rules around levels of LHA payable to single under-25s (which limits payment to the rate for a room in a shared house) were extended to all single tenants under the age of 35 in April 2012. This has put further pressure on demand for single homeless services, as under 35's are finding it increasingly difficult to secure accommodation in the private rented sector.
- 3.4.4 Further reforms will take place in 2013/14 with a change to the way in which benefit rates are uplifted (from RPI to CPI).
- 3.4.5 Overall Benefit Cap (OBC)  
The Overall Benefit Cap will limit the total amount of benefit payable to £500 per week for a non-working couple or single parent, or £350 for a non-

working single person. There are limited exemptions to the cap, chiefly for claimants in receipt of Disability Living Allowance or, crucially, working for 24 hours a week and claiming Working Tax Credit (16 hours per week for lone parents.) The reduction in entitlement will be taken off the claimant's housing benefit. The cap will be introduced to Brent claimants from 12<sup>th</sup> August 2013 over a 5 week period.

- 3.4.6 The Overall Benefit Cap was to impact on 2,700 households in Brent in total. Many households have changed their circumstances in order to be exempt from the cap, and the latest DWP figures received show that the cap will be applied to 2,267 households. A breakdown of the tenure of these households is shown in Table 3 below.

**Table 3: Households affected by OBC by tenure**

	<b>Tenure</b>	<b>Number affected</b>
<b>Overall Benefit Cap</b>	Temporary accommodation	750
	Private rented sector	1,050
	Brent Housing Partnership	42
	Other social landlord	413
	Private finance initiative	75
	Gypsy and traveller site	12
<b>Overall Benefit Cap total</b>		<b>2,267</b>

3.4.7 Size Criteria (the 'Bedroom Tax')

Introduced on 1 April 2013, 1,668 households in Brent were affected by the Size Criteria or Bedroom Tax. Claimants in social housing with one or more "spare" bedrooms in the property will have their benefit reduced by 14% or 25% of the total rent due.

Rooms spare	Number of households affected	% reduction of rent applied to HB receipt	Average weekly reduction
1 spare room	1249	14%	£17.50
2 or more spare rooms	419	25%	£32.66

#### 3.4.8 Council Tax Support

Full Council agreed the localised Council Tax Support scheme in December 2012, and where appropriate, Council Tax bills to the 21,000 affected households were distributed in March 2013 for the 2013/14 financial year. Brent's proposed local Council Tax Support scheme is based on a small number of changes from the existing Council Tax Benefit scheme for working-age claimants (pensioners are protected from any impact), principal amongst them being:-

- A minimum claimant contribution of 20% towards Council Tax liability in most cases
- Higher non-dependant charge for other adults living in the claimant's property
- A steeper taper (30%) by which entitlement is reduced for those claimants with income above the means-test
- The freezing of premiums and allowances at 2012/13 rates

Many households will be making a contribution to their council tax bill for the first time, and will be doing so at a time when they are facing other financial pressures from other welfare reforms

#### 3.4.9 Introduction of Personal Independence Payments (PIP)

Personal Independence Payments replace Disability Living Allowance from June 2013 for all claimants between 16 and 64 years of age. All new claims from this month will be assessed for the new scheme. From October 2013 and October 2015, existing claimants that have a significant change of circumstances – e.g., Children turning 16, claimants that have a Fixed Term DLA that needs to be renewed, and claimants that opt to be reassessed, will be assessed for PIP. From October 2015, existing claims will be invited to be assessed for PIP. The migration will be complete by October 2017.

The main change with the introduction of PIP is that there is no longer a lower rate to the Daily Living component of the payment. The 'Enhanced' and 'Standard' rates will continue. PIP also includes an on-going reassessment for the award, the frequency of reassessment will be based on how the disability affects the claimant.

The DWP is predicting that approximately 40% of claimants currently receiving DLA will not qualify to receive PIP. These claimants will be a high priority for receiving support from the council to cope with the change in circumstances. In many circumstances, DLA claimed against a member of the households was reason the household was exempt from other cuts, like the OBC and CTS.

#### 3.4.10 Homelessness

From 9th November 2012, the Localism Act 2011 enabled Local Authorities to fully discharge the full housing duty by a Private Rented Sector Offer (PRSO). What this means is that the Council can discharge its homeless duty by securing suitable accommodation in the private rented sector for a minimum period of at



least 12 months. Members were made aware of this new power in a report on the Tenancy Strategy that went to the Executive in July 2012. Of course, this power could not be used before 9 November 2012. The Housing Needs have now set up a dedicated PRSO team to deal with these cases.

- 3.4.11 Officers will make the decision when an offer of a private rented property is made to a homeless case, having taken full consideration of the households individual circumstances and the facts that apply to their case, to ensure that any offer of accommodation that is made is suitable.
- 3.4.12 However, due to the affect of the Overall Benefit Cap, high rent levels in Brent and the lack of available accommodation in the private rented sector, it is likely that offers of accommodation will be made outside of the borough, and for larger households, outside of London. The ability to discharge the homeless obligation into the private rented sector could assist the Council in managing its temporary accommodation costs, since making use of the private rented sector in this way could reduce the overall number of households in TA, and the length of stay. However as outlined earlier in this report, the Council's ability to procure property in the private rented sector has been affected by the LHA caps and associated changes, and this would impact on this client group as well.
- 3.4.13 Private Rented Sector  
As stated in paragraph 3.2.12 above, there has been an unprecedented growth in the number of households in Brent who live in rented accommodation in the Private Rented Sector (PRS). The number of households living in the PRS in Brent, as recorded in the 2011 Census (31,784) represents 28.8% of all households in the borough, and is already out of date. Based on the overall growth of the sector across London and the especially pronounced growth in Brent; we now estimate that the total is at least 30% of all households.
- 3.4.14 A likely consequence of Welfare Reforms is that households will choose to live in overcrowded and poor quality accommodation in the borough, rather than relocate to good quality accommodation in cheaper areas outside of Brent. It is also likely that a minority of unscrupulous landlords will take advantage of vulnerable households affected by Welfare Reform, by refusing to deal properly with disrepair issues, knowing that households will be unlikely to report them for fear of losing their accommodation in the borough. The private rented sector is therefore a key priority for officers, and a Private Housing Action Plan has been drafted to help tackle these issues.
- 3.4.15 In terms of improving standards in the private standards options are being considered around selective licensing. Legislation will only allow for selective licensing if the area is one of low-demand, or it can be demonstrated that there is a link to anti-social behaviour. A research project is underway, and the outcomes of this will be reported to Members in due course. Another option that is being considered is for improving management in the private rented sector by offering a management service. A viability exercise is being conducted in terms of establishing a lettings agency, to provide a high quality service to landlords and tenants alike. We will also be encouraging landlords to improve their skills, particularly through membership of the London Landlord Accreditation Scheme

#### 3.4.16 Tenancy Strategy

The Localism Act 2011 included a requirement for local authorities to produce a Tenancy Strategy, setting out how it will use the new flexible tenancies (fixed term tenancies, at either a social or affordable rent), and how it expects partner housing providers to implement the policy. A draft policy was consulted on with stakeholders, including tenants and housing associations, and a report was presented to Members in July 2012, where the following recommendations were approved;

- Fixed Term tenancies will generally be introduced (with limited exceptions) and to allow partner housing providers to determine their own policies in respect of specific groups and circumstances, provided that these are broadly consistent with the council's priorities.
- To use Flexible Tenancies on the same basis as is proposed for other social landlords.
- That introductory or starter tenancies of 12 months be used for all new tenants, and in concert with fixed-term tenancies as relevant. This should also apply in the council's own stock. Five years normally, but with shorter and/or longer periods for specified groups / circumstances.

#### 3.4.17 Allocations

The Localism Act 2011 makes provision to allow local authorities more flexibility to determine which households should be placed on the Housing Register, based on local needs and policy. However the existing statutory reasonable preference categories would remain (these include homeless households to whom a statutory duty is owed; overcrowded households; and those who need to move on medical or welfare grounds). The Act also gives the Secretary of State the power to make regulations specifying other classes of persons who must (or must not) qualify for an allocation of accommodation and setting criteria for local authorities when deciding whether or not a person qualifies for an allocation of accommodation

### **4.0 Allocations Scheme Updates**

- 4.1 A report outlining proposed changes to the council's Allocation Scheme was presented at the April 2013 Executive meeting, where Members approved key changes to the current scheme.
- 4.2 It is now confirmed that the new Allocation Scheme will go live on 1<sup>st</sup> October 2013. This is to give sufficient time for new systems and procedures to be communicated with tenants, applicants and other stakeholders.
- 4.3 The report that went to Executive in April proposed that the residence qualification should be established through living in Brent for three out of the last five years and six out of the last twelve months before being able to bid through Locata. Having had regard to residential criteria of neighbouring councils, it is

now proposed that the residence qualification should be established through living in Brent at the time of the application and continually for the last five years.

4.4 The current proposed Allocation Scheme gives priority to households living in unsuitable accommodation. It is felt that the wording of unsuitable accommodation is too loose and that a tighter definition of what is deemed as “unsuitable” is required, to ensure that households with only minor disrepair issues are not being given priority for rehousing

4.5 The current proposed Allocation Scheme gives priority to households who are overcrowded due to being one bedroom deficient. Having had regard to the number of households in Brent who are overcrowded by just one room, and also what other neighbouring council’s are proposing in their schemes, it is considered that households who are overcrowded by one room should not automatically be given priority with-in the new scheme. Each case will be considered on its individual merits.

#### 5.0 **Proposed mutual exchange pilot scheme for Brent Council tenants**

5.1 Mutual exchange offers a number of advantages over transfer to existing tenants, foremost being the ability to more closely specify the nature of the property they move to and its geographic location. The intention is to target the incentive at those households who are under occupying their property.

5.2 Whilst the trigger for developing the scheme has been changes to housing benefit entitlement for under-occupiers, the scheme can also be viewed as part of a wider initiative to reduce overcrowding in the borough as potential beneficiaries include those over retirement age who are not affected by the current benefit changes. The maximum payment for someone wishing to downsize through mutual exchange would be £1000 plus assistance with removal costs and access to the handyman service. This mirrors the current incentives for transfer but with a lower cash payment. No payment would be made to the household they were exchanging with.

5.3 Full payment would only be made to the under-occupier where the exchange results in a ‘perfect fit’ under the allocation scheme. Payments would be made on a ‘pro-rata’ basis where a perfect fit was not achieved. This would mean that:

- A tenant living in a two-bedroom property who decides to exchange with a single person/couple living in a one-bedroom property no payment would be made.
- Where a tenant under-occupying by two bedrooms (i.e. a three bedroom property) exchanges with an overcrowded household living in a two bedroom property a payment of £500 would be made to the under-occupying tenant (i.e. 50% of the amount that they would have received exchanging with someone in a one-bedroom property).

- 5.4 In effect payment is made on a pro-rata basis reflecting the degree, if any, of under occupation perpetuated by the mutual exchange. Where no under-occupation arises with the exchange with an overcrowded tenant the full payment would be made, but where a degree of under-occupation continues the payment would be reduced.
- 5.5 The rationale behind this is to encourage under-occupiers over retirement age to consider moving. Under the current transfer scheme they would only be able to downsize in line with the allocations policy. The proposed mutual exchange incentive scheme would enable them to in effect 'partially' downsize, making the scheme more attractive.
- 5.6 It is anticipated that the biggest incentive for mutual exchange would be support with the moving process and with moving costs. BHP is in the process of recruiting a Mutual Exchange Officer to provide support to residents both in terms of matching potential exchanges and in facilitating the actual move.
- 5.7 The Mutual Exchange Officer at BHP will be funded through existing funding mechanisms. It is anticipated that a pilot incentive scheme would involve approximately ten exchanges at a cost of approximately £10,000 including removal costs. This will be funded through existing budgets at BHP.
- 5.8 Adjustments will need to be made to the Mutual Exchange Policy to enable partial downsizing to be permitted.
- 5.9 The pilot would run for a maximum of six months dependent on take up.

## **6.0 Financial Implications**

- 6.1 The total agreed Temporary Accommodation for 2013/14 is £5.57M. This figure includes an agreed growth bid of £2.45M, to help mitigate the impact of Welfare Reform.
- 6.2 However it should be noted that there are significant risks associated to this budget, due the number of variables around the implementation of the different Welfare Reforms highlighted above. Work around the mitigation of Welfare Reform is continuing, to try to further reduce the expected financial impact on the Council. Officers are meeting monthly to monitor this budget so that any variation can be reported as early as possible.

## **7.0 Legal Implications**

- 7.1 The primary legislation that governs the allocation of new tenancies is set out in Part VI of the Housing Act 1996 ("the 1996 Act"), as amended by the Homelessness Act 2002 "the 2002 Act") and the Localism Act 2011. As enacted, the 1996 Act introduced a single route into council housing, namely the Housing Register, with the intention that the homeless have no greater priority than other applicants for housing. Since the enactment of the 2002 Act, councils are required to adopt an allocations policy which ensures that "reasonable

preference” is given to certain categories of applicants (which are set out in section 166A of the 1996 Act as amended by the Localism Act 2011 and includes homeless households and persons living in overcrowded conditions and persons who need to move on medical or welfare grounds), and to allocate strictly in accordance with that policy. An allocation of accommodation under Part VI of the 1996 Act must be made in accordance with the Council’s own allocation policy (cf. section 166A(14) of the 1996 Act).. Allocation of temporary accommodation is not governed by Part VII of the 1996 Act.

- 7.2 Brent adopted Locata, a choice-based Allocations Scheme, working in partnership with other local authorities and Housing Associations in the West London Alliance in 2003. Locata applies to all categories of applicant, including those seeking a transfer within Council housing. Although an analysis of demand and lettings is made with reference to (i) homelessness, (ii) Housing Register and (iii) transfer demand; there is no legal difference in the duties owed to people in each of these categories for the provision of accommodation under Part VI of the Housing Act 1996.
- 7.3 The primary legislation governing decisions on homeless applications is Part VII of the Housing Act 1996, which was amended by the Homeless Act 2002. The Council is required to make decisions on homeless applications within the scope of the legislation bearing in mind local demand.
- 7.4 Local authorities have a duty under Part VII of the Housing Act 1996 to house homeless persons in temporary accommodation who satisfy the qualifying criteria (i.e. eligibility, homeless, priority need, not intentionally homeless and local connection). The Council can only discharge its duty to those qualifying homeless persons in temporary accommodation under the circumstances set out in section 193 of the Housing Act 1996 and the circumstances in which this duty can be discharged are as follows: (i) if the homeless person accepts an offer of permanent accommodation from the Council in the form of a secure tenancy under Part VI of the Housing Act 1996; (ii) if the homeless person accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private landlord; or (iii) following the changes made by the Localism Act 2011, if the homeless person accepts an offer of private rented accommodation where there is a fixed term of at least 12 months.
- 7.5 The duty under section 193 of the Housing Act 1996 will cease to exist if (I) the applicant ceases to be eligible for assistance; (II) the applicant ceases to occupy the accommodation as his/her only or principal home, or (III) the applicant becomes homeless intentionally from the temporary accommodation provided.
- 7.6 As stated above, the Localism Act 2011 has enabled Local Authorities to fully discharge the full housing duty by a Private Rented Sector Offer (PRSO) (s193 (7AA)-(7AC) Housing Act 1996 as amended by s.148(5)-(7) Localism Act 2011.
- 7.7 Paragraph 2 of Schedule 18 of the Housing Act 1996 gives local authorities the power to make payments to its tenants to move to other accommodation and that said paragraph states as follows: ‘A local housing authority may make payments to or for the benefit of a tenant or licensee of a dwelling-house within its Housing Revenue Account with a view to assisting or encouraging that person to move to qualifying accommodation. ... ‘qualifying accommodation’ means a

dwelling-house made available to the person concerned as a tenant or licensee by any of the following –

- (a) the local housing authority making the grant or any other local housing authority; or
- (b) registered social landlord’.

7.8 Sections 158 and 159 of the Localism Act 2011 set out the circumstances in which mutual exchanges can take place between lifetime tenancies (secure or assured) and fixed term/flexible tenancies. Schedule 14 of the Localism Act 2011 set out the grounds in which local authority and social housing/registered provider landlords can refuse mutual exchange requests,

## **8.0 Diversity Implications**

8.1 The most recent census data shows that Brent has the second highest ethnic minority population in London. The lettings targets, which are set annually, could potentially have a disproportionate impact on a particular ethnic group or groups. It is important therefore that this area continues to be closely monitored. Previous impact assessments have not demonstrated any adverse impact as a result of the letting process.

8.2 Take up of the Mutual Exchange scheme will be closely monitored and reported on separately. If officers propose to roll out this pilot scheme and seek the Executive’s approval in this regard, an equality impact assessment will be carried out which will be based on information obtained from monitoring how the pilot mutual exchange scheme has worked.

## **9.0 Staffing/Accommodation Implications (if appropriate)**

None specific.

## **Background Papers**

### Executive

Supply and Demand and Temporary Accommodation (xx/xx/12)

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**Andy Donald**

**Director of Regeneration and Major Projects**

## Appendix A - Current Live Applications

		Number of Bedrooms Required									
		0	1	2	3	4	5	6	7	8	Sum:
HOUREG	Adult Social Care	6	1	2	1	1					11
	CHILDREN LEAVING CARE	63		4							67
	CONTRIBUTION TO MOBILITY			1							1
	EMERGING HOUSEHOLDS	2		16	3						21
	HOUSING REGISTER (APPROVED)	29	6	48	227	116	33	6			465
	HOUSING REGISTER (NON APPROVED)	5,774	653	4,958	3,123	865	234	38	7	1	15,653
	MEDICAL A (HOU REG)	15	7	18	27	16	6				89
	OUT OF BOROUGH APPLICANTS	559	51	307	155	34	10	1	1		1,118
	PROBATION SERVICE QUOTA	4									4
	SOCIAL SERVICES (HOU REG)	1			2	5	1				9
	SUCCESSION (UNDEROCCUPATION)	17		1	1						19
	VOLUNTARY ORGANISATION QUOTA	36		2							38
HOUREG	Sum:	6,506	718	5,357	3,539	1,037	284	45	8	1	17,495
TRNLIST	#1000 UNDER OCCUPATION	38	2	3		1					44
	DECANT	27		26	20	1					74
	INTRA-ESTATE TRANSFER	3	1	6	3	2					15
	MANAGEMENT TRANSFER	20		19	22	17	11	2			91
	MEDICAL A (TRANSFER)	18	4	10	15	2					49
	TENANCY SEPARATION	2									2
	TRANSFER LIST (APPROVED)	473	56	430	458	156	17	3			1,593
TRNLIST	Sum:	581	63	494	518	179	28	5			1,868
	Sum:	7,087	781	5,851	4,057	1,216	312	50	8	1	19,363

## Appendix B - Lettings Performance BHP and Housing Association - 2012/13

	Bedroom Size						
	1	2	3	4	3	4+	Grand Total
<b>HOUSING REGISTER</b>							
CHILDREN LEAVING CARE	40						40
EMERGING HOUSEHOLDS	22		1				23
HOUSING REGISTER (HMLESS)	173	17	7	2	1	1	199
HOUSING REGISTER (NON APPROVED)	29						29
MEDICAL 25 (HOMELESS)	6	1		1			8
<b>Sub Total</b>	<b>270</b>	<b>17</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>299</b>
ADULT SOCIAL CARE	6						6
CONTRIBUTION TO MOBILITY	35						35
FORMER SERVICE TENANT	3						3
HOUSING REGISTER (NON APPROVED)	110	15	4				129
MEDICAL 25 (REGISTER)	9		2	1			12
PROBATION SERVICE QUOTA	8						8
SOCIAL SERVICES (HOU REG)	1						1
VOLUNTARY ORGANISATION QUOTA	19	1					20
MEDICAL A (TRANSFER)			1				1
HOUSING REGISTER (OTHER)		2	2				4
<b>Sub Total</b>	<b>191</b>	<b>18</b>	<b>9</b>	<b>1</b>			<b>219</b>
<b>TRANSFERS</b>							
£1000 UNDER OCCUPATION	14						14
DECANT	40	1					41
MANAGEMENT TRANSFER	21	2	1				24
TRANSFER LIST (APPROVED)	65	3		2			70
MEDICAL A (TRANSFER)	3						3
<b>Sub Total</b>	<b>143</b>	<b>6</b>	<b>1</b>	<b>2</b>			<b>152</b>
<b>Grand Total</b>	<b>604</b>	<b>41</b>	<b>17</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>670</b>






## Appendix C – Lettings Projections 2013/14

### Brent and Housing Association – Projected Lettings 2013/14

	Bedsit	1 bed	2 bed	3 bed	4 bed +	Total
Brent	20	145	175	65	15	420
RSL	9	117	176	102	20	424
Total	29	262	351	167	35	844

	Bedsit	1 bed	2 bed	3 bed	4 bed +	Total
Housing Register (Homeless)	17	157	204	100	21	499
Housing Register	5	41	63	27	5	141
Transfers	7	64	84	40	9	204
Total	29	262	351	167	35	844

 <p><b>Brent</b></p>	<p><b>Executive</b> 15 July 2013</p> <p><b>Report from the Director of Regeneration and Growth</b></p>
<p>Wards affected: ALL</p>	
<p><b>School Expansion Programme - Temporary Primary School Expansion 2013/14 and Preston Manor School</b></p>	

**Appendix 1 of this report is Not for publication ('below the line')**

## **1.0 Summary**

- 1.1 In May 2013 the Executive received an update on the school expansion programme 2012-16 and approved proposals for the provision of temporary school places for the 2013/14 academic year.
- 1.2 This report seeks approval to a revised proposal for the provision of temporary school places and approval to use council assets to deliver the proposal.
- 1.3 In February 2011, the Executive was informed about existing covenants on Preston Manor school's land in relation to the expansion of that school to take primary aged children. The school, with support from the Council, appointed external legal advisors to seek amendments to the covenants through the Upper Tribunal.
- 1.4 This report provides an update on progress and seeks authority to continue the Upper Tribunal process and/or alternative routes with the help of external legal advisors.

## **2.0 Recommendations**

The Executive is recommended to:

- 2.1 Note the current status of all projects to provide temporary school places for September 2013 and during the 2013/14 academic year
- 2.2 Approve the use of Anansi to provide temporary school places for three to five years aligning with Knowles House temporary use arrangements and to agree that an appropriate lease/license agreement be entered into with College Green Nursery allowing occupation.
- 2.3 Approve the use of Douglas Avenue to provide temporary classes for up to two years and to agree that an appropriate lease/licence agreement be entered into with a suitable school to allow occupation.
- 2.4 Approve the use of Strathcona to provide temporary classes for four to seven years, thus withdrawing the site from the market for that period and to agree that an appropriate lease/licence agreement be entered into with Roe Green Infant School to allow occupation.
- 2.5 Delegate authority to the Operational Director Property and Projects to agree the terms of the lease/license and enter into appropriate agreements.
- 2.6 Note the current status of the legal process in relation to the restrictive covenants on land belonging to Preston Manor School.
- 2.7 Approve the continuation of the Upper Tribunal process in relation to the covenants related to Preston Manor School.

### **3.0 Detail**

#### Temporary Primary School Places 2013/14

- 3.1 In May 2013 the Executive approved proposals to deliver a total of 26 classes of temporary primary school places which were identified as required in advance of permanent places being delivered in 2014-15. It was noted in the report that the number would be confirmed after full review, that the timescale posed a particular challenge to all of the proposals and that further analysis would be undertaken.
- 3.2 Further analysis of the approved proposals has now been undertaken and the current status of approved proposals is shown in table 1 below. The analysis shows that some previously approved proposals are not deliverable and this report indicates new proposals to replace those.

Table 1 – Current Status of Previously Approved Temporary School Place Proposals

School/Site	Number of classes to be provided (from Executive report May 13)	Number of classes that can now be provided (as at 5 June 2013)	Current Status
Gwenneth Rickus Building	15	15	It is not desirable to provide all 15 classes for September 2013 due to impact on existing neighbouring schools. A split of 8 classes in September 2013 and the remainder in January 2014 was preferred by C&F. The overall proposal has proved to be more than the medium risk indicated in May 13 in terms of deliverability for September 2013. At the time of the May report, a feasibility study had not yet been completed. This has now been received and the extent of works required cannot be completed in the one month the building is empty before September 2013. 2 reception classes are to be provided for Sept 13 (these classes have been offered by C&F) and the remainder by Jan 14.
Kingsbury High/Village School modules	7	0	This proposal is not deliverable. It was not possible to reach an appropriate financial agreement with Kingsbury High School to retain these modules on their site. The project was also high risk in respect of planning approval.
Make use of new classrooms previously delivered	2	1	Although not indicated in the May report this proposal referred to two schools: Preston Manor – After consideration, the school could not agree to take the additional class Brentfield – This proposal remains open and subject to agreement with the school
Bulge classes	2	2	No sites were identified in the May report so the provision of these two classes is subsumed within the wider current proposals in table 2 below.
<b>Total</b>	<b>26</b>	<b>18</b>	

- 3.3 In addition to deliverability issues with the previously approved proposals, the number of classes to be provided has increased by 1 to 27 classes in total since the May 2013 report and the breakdown of classes to be provided for each year group has changed resulting in a different balance of places to be provided during the academic year.
- 3.4 As previously reported, the school place demand for 2013-14 is supported by the actual number of applications being received for the 2013-14 academic year. 3799 on time applications were received by 15 January 2013 compared to 3717 on time applications during the whole current academic year 2012-13. As in 2012-13, the council has been able to offer all on-time applicants a school place for September 2013.
- 3.5 Between the closing date on 15 January 2013 and 17 June 2013 a further 472 late applications have been received (including 30 applications for non-Brent residents), compared to 712 late applications (including 49 applications for non-Brent residents) for virtually the whole 2012-13 academic year. This also represents an increase of 239 applications since the figure reported in May 2013. Typically late applications reduce during the summer months and increase again in September. Based on previous years' experience, late applications will continue to be received throughout the next academic year and account for a small but significant percentage of demand. As an update to the information provided in the May report, the current position on the balance of out of school children and vacancies for the 2012-13 academic year is shown in table 2 below:

**Table 2 – School Places as at 17 June 2013**

<b>Year Group</b>	<b>Out of school children</b>	<b>Children who have not been offered a school place</b>	<b>Vacancies</b>
<b>REC</b>	44	5	55
<b>YR 1</b>	54	2	18
<b>YR 2</b>	21	4	49
<b>YR 3</b>	11	1	20
<b>YR 4</b>	24	0	32
<b>YR 5</b>	27	2	51
<b>YR 6</b>	8	0	120
<b>TOTAL</b>	<b>189</b>	<b>14</b>	<b>345</b>

- 3.6 The current projections for temporary class requirements based on previously reported GLA projections for the 2013-14 academic year including allowance for in-year applications is as follows in table 3. This indicates a one class increase on previously reported figures which reflects continued in year application and subsequent detailed review by Children & Families:

**Table 3 – Temporary primary school requirement for September 2013-14 onwards**

	Number of Classes Required							
	R	Y1	Y2	Y3	Y4	Y5	Y6	Total Classes
Reported in May 13	13	4	4	2	1	1	1	26
<b>Current (as at 4 June 2013)</b>	10	3	4	3	3	2	2	27
Difference	-3	-1	0	+1	+2	+1	+1	+1

- 3.7 In order to address the shortfall in classes to be provided in the previously approved proposals and to accommodate the increase in total number of classes required, a review of all available non-school buildings and sites was undertaken by the Schools Capital Programme team and the Strategic Property team with Children & Families. Table 4 below shows the outcome of that review and the proposed temporary school expansion projects with indicative classes to be provided in each year group:

**Table 4 – Proposed Temporary School Expansion**

School/Site	Date for classes to be provided	Status	R	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Total
Gwenneth Rickus Building	September 2013	High risk for Sept 13 completion due to timescale for delivery	2							2
Gwenneth Rickus Building	January 2014	Medium risk for delivery on time	2	2	2	2	2	2	1	13
Make use of existing classrooms at Brentfield	September 2013	Medium risk – school agreement required						1		1
Ashley Gardens	September 2013	Medium risk – planning approval required (available for 1 year only)	2							2
Douglas Avenue	January 2014	Low risk for delivery in Jan 14						1	2	3
Anansi	January 2014	Low risk for delivery in Jan 14	2	1						3
Strathcona	January 2014	Low risk for delivery in Jan 14	4	1	2					7
<b>Total</b>			<b>12</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>31</b>
Requirement			10	3	4	3	3	2	2	27
Difference			+2	+1	0	-1	-1	+2	+1	+4



- 3.8 The table above indicates a surplus of places to be created. This float is a contingency for resolving the imbalance between year groups that currently exists and to allow for any proposed schemes becoming undeliverable. It is not possible for example to put all 10 reception classes into one building and an appropriate balance across year groups has to be sought with the permanent school transition for these children considered.
- 3.9 The majority of these places will become available after September 2013. The impact of this is being assessed by Children & Families in relation to a detailed review of the late applications. Arrangements will be made for those children who will have reached statutory school age in September 2013 and places offered to those children who are currently out of school.
- 3.10 As set out in recommendation 2.1, Members are asked to note the current status of all projects to provide temporary school places for September 2013 and during the 2013/14 academic year.
- 3.11 Members are asked to approve the use of three of the sites indicated as proposals for temporary school places above – Anansi, Douglas Avenue and Strathcona with specific recommendations below for each.
- 3.12 Officers recommend further that these three properties should be used for temporary school places rather than the other uses previously agreed which were a mix of commercial lettings and disposals. These are detailed below.

#### Anansi

- 3.13 Anansi is a former nursery and is therefore easily adaptable for two reception and one year 1 temporary school classes. The initial indicative forecast cost of this project to provide three classes is £130k, although this is subject to progression of detailed design and associated potential changes to project scope and brief before finalisation. College Green Nursery has agreed in principle to manage temporary classes at Anansi subject to Governing Body approval to details which is expected at a meeting on 4 July. This follows successful temporary classes at College Green Nursery in previous years.
- 3.14 Anansi adjoins Knowles House. The Executive in April 2013 approved that Knowles House used as temporary housing for homeless families in order to assist with the surge in demand resultant from benefit changes. The Knowles House proposal requires change of use and is currently going through the planning process. The tender process to select a managing agent is underway.
- 3.15 Anansi and Knowles are interconnected, if taken to the market for sale both sites would need to be sold together therefore in order to utilise Anansi a marketing exercise was undertaken offering the building for lease over a 5 year period with a 3 year break clause for redevelopment. The outcome of marketing was considered ) in May 2013, following which property officers

commenced negotiations with the top two bidders; these negotiations have been put on hold in June 2013 pending a decision by Members that the proposal that Anansi be used to provide temporary school places to assist with meeting Brent's statutory duties is approved

- 3.16 The implication for the proposed utilisation of Anansi is that a rental of up to £45k per annum will be foregone. This could impact on the Property and Project team's ability to meet its target for additional external rental income in 2013/14. This will be contained within the overall RMP budget unless alternative sources are identified to fund this. All capital expenditure costs will be met from the school expansion capital programme funding.
- 3.17 A business case for the use of Anansi as temporary school places (as outlined above) has been prepared. Members are asked to note the change in direction from the earlier approval and therefore to approve the use of Anansi to provide temporary school places for three to five years aligning with Knowles House temporary use arrangements and to agree that an appropriate lease/license agreement be entered into with College Green Nursery allowing occupation, as set out in recommendation 2.2.

#### Douglas Avenue

- 3.18 Douglas Avenue Resource Centre was formerly a nursery but has in recent years been used for locality based council staff teams. The building can be readily converted into classrooms for older children and if used for one year 5 and two year 6 classes, all children will have moved out of the temporary school into secondary school within two years. The initial indicative forecast cost of this project to provide three classes is £130k, although this is subject to progression of detailed design and associated potential changes to project scope and brief before finalisation. Children & Families have engaged with local schools to manage temporary classes at Douglas Avenue, subject to Governing Body approval to details which is expected in July.
- 3.19 In February 2013, the Executive approved that Douglas Avenue be sold to fund works at Ashley Gardens. Officers are proposing that the additional lands adjoining 1 Clement Close be sold to fund the loss of capital receipt at Douglas Avenue and this is the subject of another Executive report for the July meeting.
- 3.20 Douglas Avenue is not included within the Capital Disposals Programme and as such the recommendations will not impact on existing funding forecasts for the overall Capital Programme. However it should be noted that approval of the use of Douglas Avenue for temporary school places will result in the potential capital receipt of up to £400k being foregone which could have provided an additional receipt to the funding of the Capital Programme reducing the requirement to undertake an equivalent level of unsupported borrowing.
- 3.21 Members are asked to approve the use of Douglas Avenue to provide temporary classes for up to two years and to agree that an appropriate lease/licence agreement be entered into with a suitable school to allow occupation, as set out in recommendation 2.3.

## Strathcona

- 3.22 Strathcona is a former day centre which is currently occupied by property guardians. The proposal is to use Strathcona to address the greatest need for temporary school places in the lower age ranges and to create an early years and key stage 1 unit with four reception classes, one year 1 and two year 2 classes. The initial indicative forecast cost of this project is £230k, although this is subject to progression of detailed design and associated potential changes to project scope and brief before finalisation. Roe Green Infant School has agreed in principle to manage the temporary classes at Strathcona subject to Governing Body approval to details which is expected in July.
- 3.23 The site has been empty for a while as it was deemed surplus to requirements as part of the day centre strategy review and was not required at that time for temporary school places due to preferable alternative sites in the local area to meet demand at that time. Following this decision, Officers in Property & Projects, having reported to various internal Boards, appointed Savills to undertake marketing on its behalf. Having received bids, shortlisted and interviewed based on our agents recommendations the Executive in May 2013 approved a recommendation for sale to a preferred bidder. Officers in Property & Projects are currently working with lawyers to agree heads of terms.
- 3.24 Due to the scale of demand for school places, a revised recommendation is now made that Strathcona be used for temporary school provision.
- 3.25 The site is currently included within the Capital Disposals Programme at a total forecast receipt of £2.5m which contributes to the funding of the Council's 2013/14 overall Capital Programme. If the site is released for the provision of Temporary Bulge Classes there will be a deficit arising in forecast capital receipts for 2013/14 which will be detrimental to the capital programme. This could result in an increased requirement for unsupported borrowing increasing debt charges to the revenue account, which would be equivalent to a maximum of £394k per annum over the maximum 7 years of utilisation if the full sum were repaid over that period. However, it is likely that any such reduction in funding would be offset in the short term by slippage in programmed expenditure across the capital programme. As the proposal is for temporary class provision the asset will return to the disposals programme in future years forecast receipts.
- 3.26 Members are therefore asked to approve the use of Strathcona to provide temporary classes for four to seven years, thus withdrawing the site from the market for that period and to agree that an appropriate lease/licence agreement be entered into with Roe Green Infant School to allow occupation, as set out in recommendation 2.4.

## Risk management

- 3.27 Officers are aware that the primary purpose of this report is to review decisions made previously by the Executive. The recommendations made in the report in respect of temporary school places are considered deliverable (with the risks levels noted) and have been reviewed by officers at various internal reporting boards before being recommended to the Executive. The risk of decisions made now, by the Executive, particularly in respect of council assets, becoming obsolete is therefore minimised. This is supported by a more co-ordinated approach between the Schools Capital Programme team and the Strategic Property team and more robust governance structures for the projects within the Schools Capital programme with a greater emphasis on the cross-departmental work with Children & Families on school place demand.
- 3.28 A Temporary School Expansion Programme Board with associated Project Board has been established to ensure that the risks associated with these projects are managed effectively to ensure delivery.

Preston Manor (2FE Primary) School – Restrictive Covenants

- 3.29 The proposal to expand Preston Manor High School formed part of the £14.766m grant allocation in November 2009 from the previous DCSF under the additional round of Basic Need Safety Valve (BNSV). The funding was an emergency allocation to provide sufficient reception places by September 2011.
- 3.30 This was a fast-tracked programme with an objective to build and deliver a new two form of entry primary provision in time for the 2011-12 Reception classes intake.
- 3.31 At the time of the statutory proposal (2011), Preston Manor High School was a Foundation School (now converted into an Academy). The Governing Body on request from the Council had completed a statutory proposal to a) lower the age limit of the school by providing a two form of entry primary provision and as a result, 2) enlargement of the premises of the school which would increase the physical capacity of the school. The statutory notice was published on 4 November 2010. Brent Executive as a decision maker approved the proposal on 15 February 2011.
- 3.32 During the consultation stage, the Council had identified that school land on which the new primary provision would be established is governed by restrictive covenants. Members were informed on this matter in the February 2011 Executive report, through an Appendix, which was not for publication.
- 3.33 In order to meet part demand for reception places in the 2010-11 academic year and to ensure the BNSV funding was not at risk of claw back, a planning application was also submitted in October 2010 to provide two temporary classrooms at Preston Manor High School with the entrance from Ashley Gardens. The temporary building was completed in mid-February 2011 with permission to remain on site until end of December 2013. A license from Preston Manor's governing body for the temporary accommodation was agreed for operating the temporary provision on its school grounds.

- 3.34 This report provides an update to Members on the current status of the restrictive covenants on the land of Preston Manor (primary) School, which Members are asked to note the update, as at recommendation 2.6. Members are also asked to approve the continuation of the Upper Tribunal process and/or alternative routes in relation to such covenants, as set out in recommendation 2.7. The information is set out in Appendix 1, which is not for publication.

## 4.0 Financial Implications

- 4.1 The May 2013 Executive report identified capital funding of £2.5m to deliver temporary provision for the 2013-14 academic year. This is sufficient to deliver the proposals identified based on the following initial indicative forecast project costs shown in table 5 below:

**Table 5 – Initial Indicative Forecast Capital Project Costs**

Project	Number of Classes	Initial Forecast Cost
Gwenneth Rickus Building	15	£1m
Anansi	3	£130k
Douglas Avenue	3	£130k
Strathcona	7	£230k
Brentfield	1	£10k
Ashley Gardens	2	£40k
<b>Total</b>	<b>31</b>	<b>£1.5m</b>

- 4.2 As previously stated the above costs will be subject to progression of detailed design and associated potential changes to project scope and brief before finalisation. The balance of £1m in the identified capital funding for delivery of temporary provision in 2013/14 will initially be held as programme contingency (managed by the Temporary School Expansion Programme Board) until the design process is completed and forecast scheme costs finalised. Any residual capital funding post finalisation of project costs will be re-directed back to the schools capital programme for permanent primary, secondary and SEN expansions.
- 4.3 The above Detail Section of this report includes information on the financial implications associated with the recommendations to utilise the three additional sites for the delivery of temporary provision. These implications can be summarised as follows:
- Anansi Nursery - This site is not included within the Capital Disposals Programme. However, a potential rental stream of up to £45k per annum will be foregone. This could impact on the Property and Asset Management team's ability to meet its target for additional external rental income, and any shortfall would have to be contained within the overall RMP budget unless alternative sources are identified to fund this.
  - Douglas Avenue – This site is not included within the Capital Disposals Programme. However, the proposed use of the site will result in the

potential capital receipt of up to £400k being foregone which could have provided an additional receipt to the funding of the Capital Programme reducing the requirement to undertake an equivalent level of unsupported borrowing.

- Strathcona – This site is currently included within the Capital Disposals Programme at a total forecast receipt of £2.5m. If this site is released for the provision of temporary classes there will be a deficit arising in forecast capital receipts for 2013/14 which will be detrimental to the capital programme. This could result in an increased requirement for unsupported borrowing, increasing debt charges to the revenue account by £394k per annum over the maximum 7 years of utilisation if the full sum were repaid over that period, although it is likely that any such reduction in funding would be offset in the short term by slippage in programmed expenditure across the capital programme. As the proposal is for temporary class provision this asset will return to the disposals programme in future years forecast receipts.

4.4 Revenue funding to meet any abortive costs arising from withdrawing the Strathcona site from the market will be met from Property & Projects special projects revenue budget.

4.5 Property & Projects are foregoing a significant amount of rental income in bringing forward these proposals. Where this has happened with other council departments the approach is based on the one council approach with cash flow financial modelling showing how property costs are off set by savings in another department. Property & Projects have initiated discussions with Children & Families to ascertain if a similar model for temporary school use can be agreed.

## **5.0 Legal Implications**

5.1 Under sections 13 and 14 of the Education Act 1996 (as amended by the Education Acts 2006 and 2011), a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. The Local Authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. It must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the Local Authority has to undertake a planning function to ensure that the supply of school places balances the demand for them.

5.2 As a contingency, to support the admission to school of children as quickly as possible, the In Year Fair Access Protocol has been revised and schools and the Unions have been consulted on a new proposed Protocol. The Protocol now in place allows for the admission of children over schools planned admission numbers in the event that a school place is not available. Schools will not be required to maintain classes over the planned admission number but will revert to the usual admission number when children leave.

- 5.3 The form of documentation with individual schools governing the provision of temporary classroom will depend upon the current status of the school. Where the temporary classrooms are allocated to a community school the agreement will take the form of a licence. Where the temporary classrooms school are allocated to a Foundation school or voluntary aided school the agreement will take the form of a short term lease contracted out of the security of tenure provisions of the Landlord and Tenant Act 1954.

## **6.0 Diversity Implications**

- 6.1 An Impact Needs/Requirement Assessment (INRA) has been prepared as part of the four year rolling programme, which will be further reviewed quarterly.

## **7.0 Staffing/Accommodation Implications**

- 7.1 In order for the following properties to be utilised for temporary primary school places then the staff/services below must re-locate as indicated:
- Anansi – The Council's Right Track programme currently using the building should move to Roundwood Youth Centre. The team were due to move to the new Roundwood Youth centre in November 2012 when it completed but have delayed occupation due to the public access Wi-Fi installation at Roundwood not yet being complete. This work is being progress by the Council's IT department in conjunction with Children & Families. There is currently no date for this team to move but the expectation that this would take place in a school holiday in 2013
  - Douglas Avenue – The council staff teams currently based in the building will re-locate to Challenge House or Civic Centre in July 2013. This is part of a planned move which is not currently in delay.
  - Gwenneth Rickus Building – The council staff teams and training services that are currently based in the building will re-locate to the Civic Centre at the end of July 2013 and also to Council property adjacent to Ashley Gardens. This is part of a planned move which is not currently in delay.
- 7.2 The Schools Capital Programme team has now been established following a recruitment process. A Programme Manager started in post in mid-April, with three Project Managers in post between end April and early June. All three Project Managers are managing temporary school place projects alongside permanent school expansion projects. A further review of staffing requirements for the schools capital programme is being undertaken.

## **Background Papers**

1. Paper on Temporary School Expansion 2013/14 for Primary Schools Capital Programme Board on 5 June 2013
2. Business Case on Temporary School Expansion 2013/14 for Corporate Assets Board on 10 June 2013 and revised for Major Projects Review Panel on 21 June 2013

3. Executive Report – 20 May 2013 – Review of the School Expansion Programme 2012-16

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**Director of Children and Families**



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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 <p><b>Brent</b></p>	<p><b>Executive 15 July 2013</b></p> <p><b>Report from the Director of Regeneration and Growth</b></p>
<p>Wards affected: Brondesbury Park</p>	
<p><b>Clement Close, Former Children's Respite Centre and adjacent land NW6 7AL – proposed disposal</b></p>	

## 1.0 Summary

- 1.1 The subject land comprises the former Children's Respite Care Centre and adjacent site at Clements Close, Willesden Green, NW6 7JL. Both are owned freehold by the Council with the adjacent land forming an under-utilised part of the Clement Close estate managed by Brent Housing Partnership (BHP). See Appendix 1 for site photos.
- 1.2 This report sets out proposals to offer a combined development site for disposal, recommending Executive approval to proposals.
- 1.3 The capital receipt generated from the sale of the former Children's Respite Care Centre of £410,000 is earmarked towards the Village School.
- 1.4 As the proposal comprises an area managed by BHP the paper asks the Executive to note the reduction in that area and the relocation of the porta-cabin used by the local residents association elsewhere within the Clement Close estate.
- 1.5 The Executive is requested to note the disposal of the area managed by BHP will fund the Ashley Gardens Pavilion refurbishment this is a variation to the capital programme amendment reported to the Executive on 11<sup>th</sup> February 2013.
- 1.6 This report recommended the forward funding of enabling works up to £300,000 that would be funded by the disposal of the Douglas Avenue Resource Centre with anticipated receipts in the order of £400,000.

- 1.7 Children and Families propose to use the Douglas Avenue Resource Centre for temporary classes from September 2013 and will be presenting a proposal recommending the same.

## **2.0 Recommendations**

That the Executive approve:

- 2.1 That provided the site is deemed suitable for affordable housing development by BHP or another internal use (such as social care – on a spend to save basis), then subject to further review of the powers under which the land is held, that the District Valuer be appointed to ascertain a transfer value, to the HRA or another portfolio as appropriate.
- 2.2 That if an internal use cannot be identified, to agree that the site be prepared for disposal so marketing can start and therefore approve the disposal of the former Children's Respite Care Centre and adjacent site at Clements Close, Willesden Green, NW6 7JL shown shaded red and verged blue on the site plan at Appendix 2, with access via Clement Close. The capital receipt estimate is in excess of £750,000+ or such transfer value as determined by the District Valuer.
- 2.3 To provide delegated authority to the Operational Director Property and Projects, to agree the detailed terms of the transaction in conjunction with the Director of Finance and Corporate Services.
- 2.4 That the capital receipt be apportioned between the two construction projects, previously identified, namely the Village School New Build and Ashley Gardens Refurbishment with any surplus capital being taken as a contribution toward the Council's Capital Programme.
- 2.5 The porta-cabin located on the BHP managed part of the site will to be re-located elsewhere within the Clement Close estate following consultation with BHP and local residents.

## **3.0 Detail**

### Background

- 3.1 The former Children's Respite Care Centre is located to the rear of and serviced via the Clement Close estate situated to the south of the Borough in the relatively prosperous Brondesbury Park area and backs onto Queens Park Community School to the south.
- 3.2 The property was decommissioned in January 2013 following relocation of services from what was a small Respite Centre to the recently completed purpose built Short-break Centre at the Village School, Grove Park which will allow the Council to support modern high quality service delivery. The property is currently vacant and secured by guardians at no net cost to the council.

- 3.3 The Council owns the freehold interest in the two storey 1960's building of 300m<sup>2</sup> on a site of approximately 750m<sup>2</sup> (0.07 ha) providing offices, kitchen with dining room, laundry room, WC's and communal living room on the ground floor with bedrooms and communal area on the first floor. The site includes a well provisioned large garden to the rear, this is mainly laid to grass with a number of trees and children's play area.
- 3.4 The building is in a poor state of decorative repair and economic re-use is not feasible, the building has been declared surplus to the Council's use. Disposal for redevelopment will provide an opportunity for a much needed residential development of either flats or housing to take place.
- 3.5 On a stand alone basis the premises has a value of approximately £500,000.
- 3.6 Immediately adjacent is an under-utilised part of the Clement Close estate comprising 481m<sup>2</sup> (0.048 ha) which whilst surfaced and suitable for parking is rarely used as such. There is a porta-cabin on site which it is proposed to relocate elsewhere within the estate with the agreement of BHP and the resident association users. On a stand alone basis this area has a value of £200,000.
- 3.7 BHP and Legal Services have been asked to confirm that no rights of access or provisions to park in this area have been acquired by local residents, nor are there any other restrictions which could frustrate any redevelopment proposals.
- 3.8 It is anticipated that disposing of both properties as a single site for redevelopment will realise receipts in excess of £750,000+ maximising value from a surplus and under-utilised asset with redevelopment also contributing S106, CIL plus new homes bonus receipts.

#### **4.0 Proposal**

- 4.1 It is proposed that the whole site shaded red and edged in blue comprising 0.123ha (0.3acres) on Appendix 2 with access via the Clement Close estate would form a disposal for development purposes.
- 4.2 That Officers work with BHP and Adult Social Care to see if an internal use can be identified, either for the purposes of affordable housing or a care related use. Depending upon the powers under which the land is held. That the District Valuer be appointed to agree a transfer value.
- 4.3 Should an internal use be deemed unsuitable, that site would be brought to the open market through an informal tender process, it is likely a conditional exchange of contracts will be required subject to the developer:
- Submitting and obtaining planning consent for residential development.

- The developer agrees to undertake all necessary site works at their own expense.
  - An access corridor will be reserved through the Clement Close estate.
- 4.4 If a reasonable planning consent could be achieved for a relatively low density development likely to be about 7 terraced houses (5 x 3 Bed & 2 x 2 Bed) the site could reasonably expected to have a value in the order of £700,000.
- 4.5 If planning consent for a relatively low density development of 19 one/two bedroom flats were to be achieved the site could have a market value in the order of £1,000,000+, only exposure to the market will ascertain the actual market value.

### Conclusion

- 4.6 This proposal involves working with BHP and the Residents Association which should negate any local concerns regarding this proposal and issues around the development itself will be dealt with through the statutory planning consultation process.
- 4.7 The Executive is therefore asked to give its approval to disposal proposals. Any delay could lead to further deterioration in the premises condition, which may lead to an actual reduction in the potential capital receipt and an early disposal of the combined site is therefore recommended.

## **5.0 Financial Implications**

- 5.1 From the sale of the Clement Close respite centre, £410,000 of capital receipt is earmarked toward the Village School and up to £300,000 of capital receipt generated from the additional lands will fund the Ashley Gardens Pavilion refurbishment. Any remaining balance on the capital receipt will contribute positively towards the Council's Capital Programme.
- 5.2 The use of Capital Receipts in the funding of the Capital Programme restricts the level of unsupported borrowing required to fund capital schemes and accordingly the level of associated debt charges falling upon the revenue account. Movement against the forecast levels of capital receipts could require reduced/additional levels of unsupported borrowing or changes to the approved Capital Programme.
- 5.3. The capital receipt from the disposal is estimated to be £700,000 to £1m. Costs arising directly from the sale of the site will be met from the capital receipt generated in line with accounting guide-lines these are estimated at £25,000.
- 5.4 Expenditure to be incurred at Ashley Gardens and the receipt of income rising from the sale of Clements Close could fall into different financial

years (2013/14 and 2014/15). If this is the case, there will be a requirement to meet expenditure from existing capital resources as part of closing of the accounts for 2013/14 until the capital receipt is available. It is likely that slippage in the capital programme will compensate for any cash-flowing requirement on this schemes expenditure.

- 5.3 Approval for residential use on the site would provide the council with additional resources from the New Homes Bonus over a period of six years. The level of funding would be determined by the council tax band and whether it related to affordable housing. The New Homes Bonus provides councils with additional resources to meet the costs of services arising from increased development in an area.

## **6.0 Legal Implications**

- 6.1 Under Section 123 of the Local Government Act 1972 the Council has a general power to dispose of properties including by way of the sale of the freehold or the grant of a lease. The essential condition is that the Council obtains the best consideration that is reasonably obtainable.
- 6.2 Disposal on the open market either via auctioneer, marketing agent (sealed bids tender) or to a special purchaser by way of private treaty will satisfy the best consideration requirement.

## **7.0 Diversity Implications**

- 7.1 There are no diversity implications.

## **8.0 Staffing/Accommodation Implications (if appropriate)**

- 8.1 There are no staffing implications.

## **9.0 Background Papers**

- 9.1 The Village School office Files (excluding tenderer submissions) and April 2010 Executive Report.

## **10.0 Appendix**

Appendix 1: Photos

Appendix 2: Disposal Plan

Appendix 3: Porta-cabin Relocation

Appendix 4: Equality Analysis

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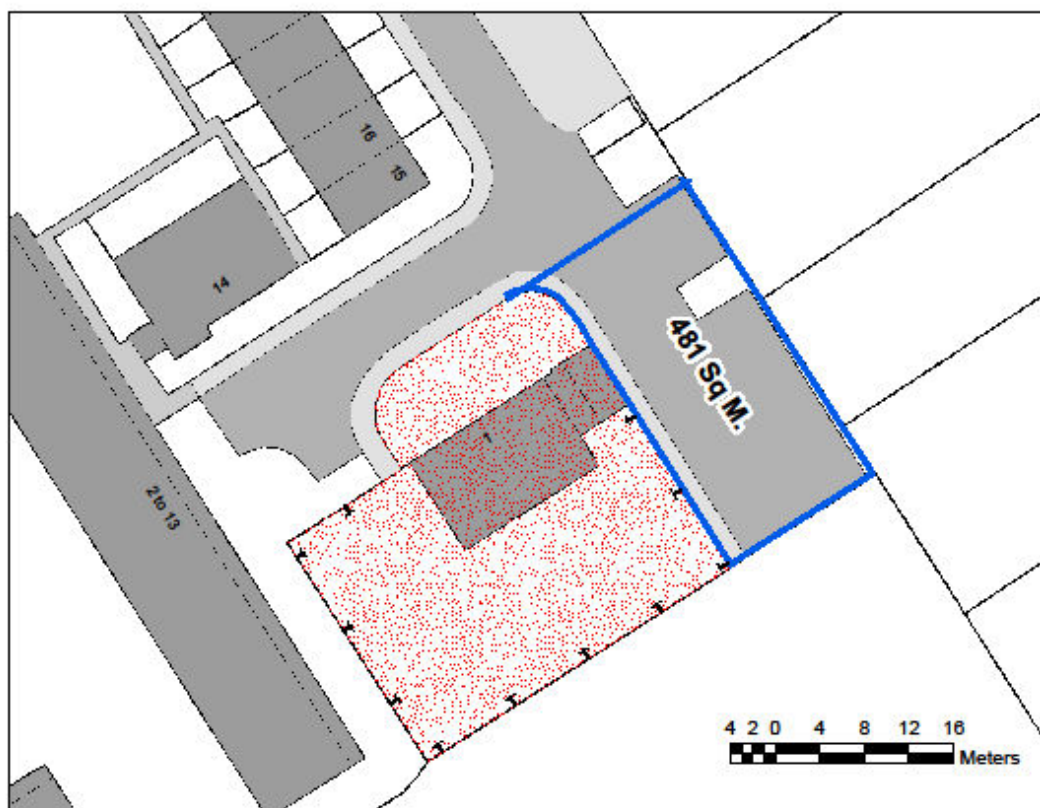
## Appendix 1 – Photos




Meeting  
Date

Version no.  
Date


# ***1 Clement Close, London, NW6 7AL***



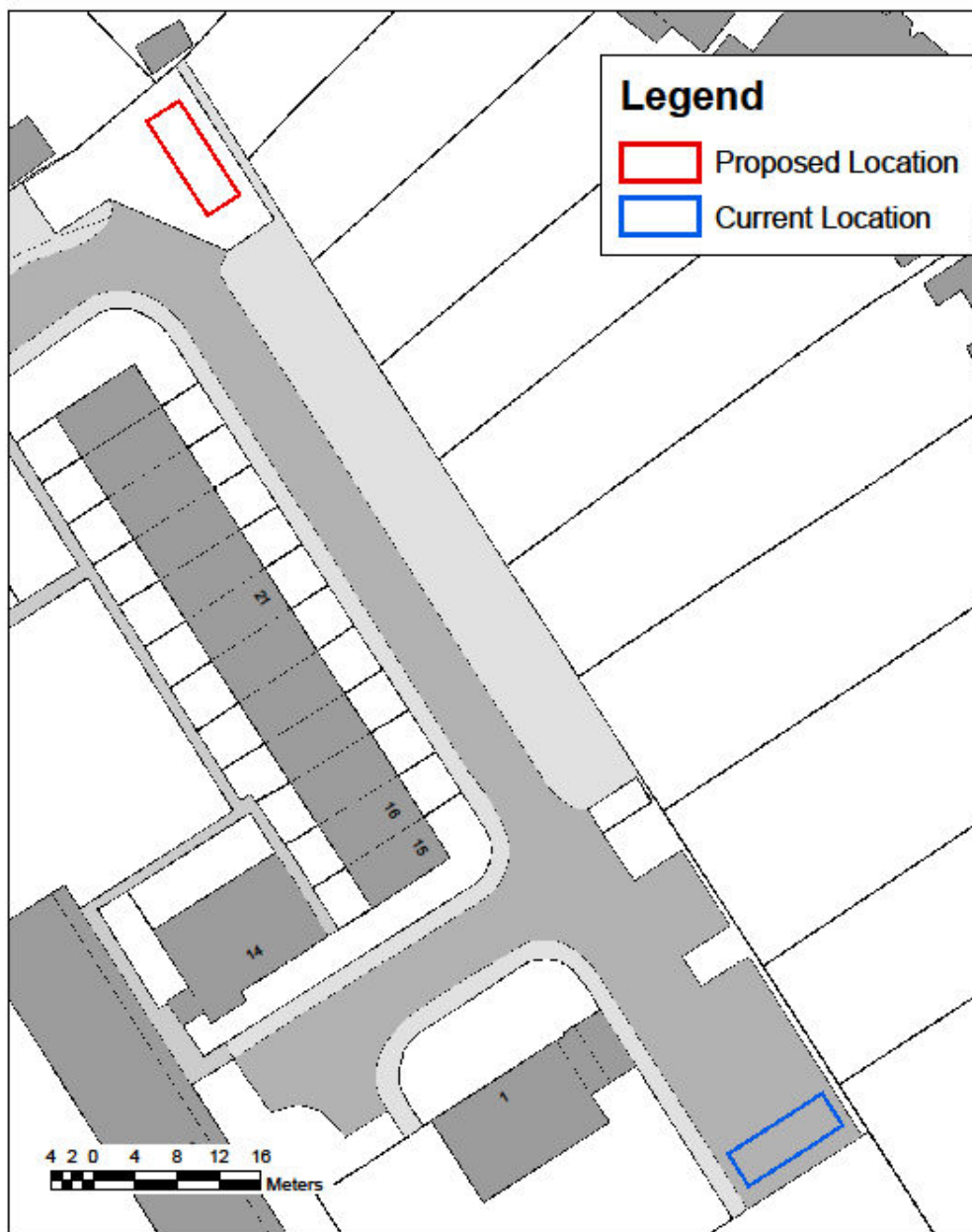
 **Brent** **1:500**  
Plan to stated scale if printed at A4.

Area to be disposed of Maintained boundaries  
Additional Land

PSMA OS copyright statement  
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**NORTH**  


### Appendix 3 – Portacabin Relocation



#### Portacabin Relocation, Clement Close, London, NW6 7AL



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**1:500**

Plan to stated scale if printed at A4.

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**NORTH**







# Equality Analysis

EASTMAN, FRED  
BRENT COUNCIL



### Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate:</b>  <b>Regeneration &amp; Major Projects</b>  <b>Service Area:</b>  <b>Property &amp; Asset Management</b>	<b>Person Responsible:</b>  Name: Fred Eastman  Title: Estate surveyor  Contact No: 0208 937 4220  Signed: Fred Eastman
<b>Name of policy:</b>  <b>This is a transaction for the sale of a surplus Day Care Centre following its replacement by the new John Billam Centre</b>	<b>Date analysis started: 08/05/2013</b>  <b>Completion date: 14/05/13</b>  <b>Review date:</b>
<b>Is the policy:</b>  New <input type="checkbox"/> Old <input checked="" type="checkbox"/>	<b>Auditing Details:</b>  Name: Fred Eastman  Title: Estate Surveyor  Date: 08/04/2013  Contact No: 0208 937 4220  Signed:
<b>Signing Off Manager:</b> responsible for review and monitoring  Name: Richard Barratt  Title:  Assistant Director Regeneration and Major Projects (Property and Asset Management)  Date:  Contact No: 0208 937 1330  Signed:	<b>Decision Maker:</b>  Name individual /group/meeting/ committee:  <b>Executive Committee</b>  Date: 20 <sup>th</sup> May 2013

Meeting  
Date

Version no.  
Date

**2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area?**

To dispose of surplus Council owned property to obtain a capital receipt to meet the resources forecasts for the Council Capital Programme through a competitive tendering process

**3. Describe how the policy will impact on all of the protected groups:**

The property will be disposed of, subject to Executive Committee's approval, on a subject to planning basis following a high profile marketing campaign by external agents and receipt of informal tenders.

This is an open and transparent method for the sale of property assets and permits all sections of society to purchase the property in an open and transparent way. It ensures that there is no discrimination to any potential bidder and y any bidder.

There has been no adverse effect on previous users of the former Day Care Centre, with services provided at the recently constructed Short-break Centre.

**Please give details of the evidence you have used:**

The evidence used to justify this assertion is the results achieved from the marketing of the subject property and previous property transactions.

**4. Describe how the policy will impact on the Council's duty to have due regard to the need to:**

**(a) Eliminate discrimination (including indirect discrimination), harassment and victimisation;**

There are no unmet needs or requirements that can be identified that affect specific groups.

No one from a protected characteristic was prevented from entering a bid for this property.

**(b) Advance equality of opportunity;**

This is an open and transparent method for the sale of property assets and permits all sections of society to purchase the property in an open and transparent way.

No one from a protected characteristic was prevented from entering a bid for this property.

### **(c) Foster good relations**

This is an open and transparent method for the sale of property assets and permits all sections of society to purchase the property in an open and transparent way.

No one from a protected characteristic was prevented from entering a bid for this property.

### **5. What engagement activity did you carry out as part of your assessment? Please refer to stage 3 of the guidance.**

Who was consulted on the plan, which protected characteristics were included in consultation?

- i. **Who did you engage with?**
- ii. **What methods did you use?**
- iii. **What did you find out?**
- iv. **How have you used the information gathered?**
- v. **How has it affected your policy?**

No consultation has taken place.

### **6. Have you have identified a negative impact on any protected group, or identified any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or mitigate against this impact.**

This is an open and transparent method for the sale of property assets and permits all sections of society to purchase the property in an open and transparent way.

No negative impacts have been identified

**Please give details of the evidence you have used:**

### **7. Analysis summary**

Please tick boxes to summarise the findings of your analysis.

<b>Protected Group</b>	<b>Positive impact</b>	<b>Adverse impact</b>	<b>Neutral</b>

Meeting  
Date

Version no.  
Date

<b>Age</b>			X
<b>Disability</b>			X
<b>Gender re-assignment</b>			X
<b>Marriage and civil partnership</b>			X
<b>Pregnancy and maternity</b>			X
<b>Race</b>			X
<b>Religion or belief</b>			X
<b>Sex</b>			X
<b>Sexual orientation</b>			X

## 8. The Findings of your Analysis

Please complete whichever of the following sections is appropriate (one only). Please refer to stage 4 of the guidance.

### No major change

*Your analysis demonstrates that:*

- *The policy is lawful*
- *The evidence shows no potential for direct or indirect discrimination*
- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

*Please document below the reasons for your conclusion and the information that you used to make this decision.*

The property was advertised by the marketing agents in the specialised property and local press and on the marketing agents and the Council's web-site, which ensured that any interested party was aware of the disposal.

**As this is retrospective we probably make no change but ensure monitoring and review is in place.**

As this method of disposal is open and transparent and anybody is able to bid, there will not be any public concern as to this method of disposal being discriminatory.



**Adjust the policy**

*This may involve making changes to the policy to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential adverse effect on a particular protected group(s).*

*Remember that it is lawful under the Equality Act to treat people differently in some circumstances, where there is a need for it. It is both lawful and a requirement of the public sector equality duty to consider if there is a need to treat disabled people differently, including more favourable treatment where necessary.*

*If you have identified mitigating measures that would remove a negative impact, please detail those measures below.*

*Please document below the reasons for your conclusion, the information that you used to make this decision and how you plan to adjust the policy.*

Not Applicable

**Continue the policy**

*This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not amount to unlawfully discrimination, either direct or indirect discrimination.*

*In cases where you believe discrimination is not unlawful because it is objectively justified, it is particularly important that you record what the objective justification is for continuing the policy, and how you reached this decision.*

*Explain the countervailing factors that outweigh any adverse effects on equality as set out above:*

*Please document below the reasons for your conclusion and the information that you used to make this decision:*

*It will not have an adverse impact. It will promote equality of opportunity as it will allow everybody the opportunity to purchase the property in an open and transparent way.*

**Stop and remove the policy**

*If there are adverse effects that are not justified and cannot be mitigated, and if the policy is not justified by countervailing factors, you should consider stopping the policy altogether. If a policy shows unlawful discrimination it must be removed or changed.*

*Please document below the reasons for your conclusion and the information that you used to make this decision.*

Not Applicable

**9. Monitoring and review**

Please provide details of how you intend to monitor the policy in the future.  
Please refer to stage 7 of the guidance.

I am responsible for monitoring the results of the marketing exercise and with the marketing agent the number of enquiries received regarding the property and types of bids received.

 <b>Brent</b>	<p style="text-align: center;"><b>Executive</b> 15 July 2013</p> <p style="text-align: center;"><b>Report from</b> <b>Strategy, Partnerships and Improvement</b></p>
For Action	Wards Affected: All
<p style="text-align: center;"><b>Advice and Guidance Review</b></p>	

## 1.0 Introduction

- 1.1 In January 2012 Executive agreed to create an Advice and Guidance Stream within the Voluntary Sector Initiative Fund out of the existing advice budgets and some of the larger grants in the Main Programme Grant which have been paid over a number of years. Executive extended existing arrangements to facilitate a review of present service provision with a view to medium term funding arrangements for the services. This paper sets out the review and findings. Future funding for advice and guidance is proposed to make the best use of the resource critical to the resilience of local communities as they adjust to change. The review has taken longer than anticipated due to a number of local issues identified when reviewing existing services, shifting local need and the changing national context affecting advice, particularly legal advice.

## 2.0 Recommendations

Executive is asked to:

- 2.1 Note the key findings from the review of service provision in the newly formed advice and guidance stream during 2012/2013 set out in section 3 of the report and summarised at paragraph 3.12.
- 2.2 Note that existing arrangements for most projects in the advice and guidance funding stream were rolled over on 1<sup>st</sup> April 2013, due to the review of existing arrangements taking longer than expected and pending a decision from Executive on future provision in light of the review. (See 2.6 for the exception)

Executive is asked, within existing budgets set out in section 5, to:

- 2.3 Agree to delegate to Assistant Director – Policy the renegotiation of a Service Level Agreement with Brent Community Law Centre for the provision of specialist legal advice until 31<sup>st</sup> March 2015 as set out in paragraph 3.33.
- 2.4 Agree to delegate to Assistant Director – Policy the renegotiation of a Service Level Agreement with Brent Citizen's Advice Bureau for the provision of generalist legal advice until 31<sup>st</sup> March 2015 as set out in paragraph 3.33.

- 2.5 Agree to extend the council's existing grant agreements with Age UK and Brent Mencap until 31<sup>st</sup> March 2014 as set out in paragraph 3.35.
- 2.6 Note that Brent Association of Disabled People has encountered some governance and financial difficulties which are affecting the everyday running of the organisation and the council has worked with BADP to investigate these. Regrettably, the council is not in a position to continue to fund the organisation to provide advice and guidance for disabled people in the borough at this time.
- 2.7 Agree to commission a new consolidated advice and guidance service level agreement providing advice and guidance to both elderly and disabled people from 1<sup>st</sup> April 2014 until 31<sup>st</sup> March 2015, with option to extend for a further year, subject to the 2014 Executive decision on future advice provision (as set out in paragraph 3.36).
- 2.8 Agree to seek interim provision of advice and guidance for disabled people in the borough to replace that which cannot be provided by the Brent Association for Disabled People, until the new arrangement proposed in 2.7 is in place.
- 2.9 Agree to extend existing arrangements for private sector tenant engagement provided by Brent Private Tenants Rights Group until 31<sup>st</sup> March 2014, giving notice that the council does not intend to fund this particular project after that time.
- 2.10 Note the intention to manage the monitoring of this grant as part of the themed grants stream during this period and no longer include it as part of the Advice and Guidance stream.
- 2.11 Agree to reallocate the £33,228.98 presently allocated on the tenant engagement project to Housing Need Team in Regeneration and Growth to commission work to address private sector housing issues from 1<sup>st</sup> April 2014 (as set out in paragraphs 3.30, 3.31 and 3.38).
- 2.12 Note the specific proposals (set out in paragraph 3.10) already agreed by members for ward working projects which respond to welfare reforms including work with disabled and elderly people, private tenants and debt benefits advice, including budgeting in light of the need identified during the review.
- 2.13 Note the plans to work with the Adult Social Care Department and local organisations to map out local services available for disabled and elderly in the borough to ensure better cross agency working and referral pathways between advice provision and other services.
- 2.14 Note the intention to bring the advice services to Executive in 2014 for further consideration, in light of the local government settlement and its impact.

### **3.0 Detailed Considerations**

#### *The scope of the review*

- 3.1 In January 2012 the Executive established an Advice and Guidance Stream and sought a review of the existing provision with a view to medium term agreements for future provision. The review was concerned with the specialist and generalist legal advice provided to residents, generalist advice offered to disabled and older people and the provision of an umbrella organisation to represent and advise people with disabilities in the borough. An on going arrangement for tenant engagement was also considered. The scope of the Advice and Guidance Stream was shaped by a number of factors including a mitigation of the potential equality impact of other changes to the Voluntary Sector Initiative Fund themed grant funding at that time. The Equality Impact Assessment identified the need for the advice and guidance stream to ensure an appropriate focus on support for disabled and older people. Since then, the Council has agreed two rounds of Voluntary Sector Themed Grant funding

and the most up to date picture of the people benefitting from the Voluntary Sector Initiative Fund is set out below. It is also portrayed in greater detail in the appended Equality Impact Assessment.

- 3.2 The review included an assessment of the changing needs of residents and local contextual factors. It considered the findings from an earlier peer review of legal advice provision funded by the council prior to the creation of the Advice and Guidance Stream in January 2012. The review also included consultation responses from the community and providers about the Advice and Guidance Stream. Existing service provision was subject to on site assessment and review of present provision and outcomes. Options for future models of service were considered and ways for services to align better explored.

### *Context and local need*

- 3.3 Brent's population of 311,000, is not only larger than previously estimated, it is set to continue to grow based on current birth and migration trends. Whilst not all areas of the borough experience poverty, Brent as a whole is the 35th most deprived borough in the country, up from 85th. 14% of people in the borough state in the 2011 census that their day to day activities are limited by poor health and 8.5% state they provide unpaid care for someone. 1.9% state they provide 50 hours or more unpaid care. 10.5% population are over 65. One in three households includes a child living in poverty. A low wage economy, growing unemployment for the working age population, particularly young people, and continued low adult skills levels limit peoples' ability to secure available employment opportunities within London. The national economic context is placing an incredible strain on Brent's communities. Welfare reform in particular means that people are even more reliant on securing and sustaining well paid jobs to overcome the reduced ability to afford to live within the borough, as changes to benefits and low wage jobs combined mean some can no longer pay the bills. At the end of 2012/2013 the council had identified that 2030 people expected to be affected by the overall benefit cap, 2,200 by the size criteria, 21,000 affected by council tax support changes and 46,636 affected by universal credit. The rise in pay day loan shops in the borough and numbers turning to the local food bank for food offer local indicators of the impact of this context for some residents. Advice services are an integral part of the fabric of society for local residents seeking to care for themselves and their families in this context. Residents are already seeking support from our main providers in response to welfare reform and the impact of the global financial context and more are expected to follow.
- 3.4 The advice services and projects set out in this report engage approximately 50,000 people in the borough each year with equality monitoring data highlighting a proportion of BME ethnic groups above that seen in the borough population, 19.5% aged over 60 and 26.5% stating they have a disability. Slightly more men than women presently benefit. Data about the legal advice services shows that people making use of the service are predominantly 35-49 year olds from the most deprived neighbourhoods in the borough. Fewer residents living in the north of the borough seek advice than the south. Usage is high and the main categories of law accessed are housing, welfare benefits and debt across both agencies closely followed by employment and immigration

### *Local views*

- 3.5 Consultation with the local community when developing the Voluntary Sector Initiative Fund included specific questions about the future advice and guidance funding stream. 71% of organisations consulted either agreed or strongly agreed with the Advice and Guidance funding proposal. Respondents identified that the context of cuts in benefits and services, implementation of universal credit, rising unemployment and higher risk of homelessness pointed to a need for advice and guidance. Groups particularly identified as having particular need for advice and guidance included: people with disabilities, older people, carers, refugees and people with English as a second language, and BME communities.

- 3.6 Local providers identified a range of areas for potential development based on feedback from users:
- extend existing services with longer or different opening hours and offer support to those with locally identified needs, not covered by legal aid, including aspects of debt, welfare and employment advice
  - ensure services are able to be responsive to changing local need – notably welfare advice, debt and income maximisation, options for people who can no longer afford to pay local rents with changes to benefits, repossessions from mortgages
  - expand the telephone services and improve online services
  - Target provision further through outreach at churches community centres, GP services, courts, home visits and for homeless, 16-24, families with under 5s, older people
  - Improve coordination of local service provision with better informed referrals, closer work and sharing of resources between agencies
  - Enhance future financial planning to meet the need to diversify funding streams and ensure there is effective support for local organisations improve and work together better
  - More structured ways to respond to new arrivals to the borough seeking to access local services and those individuals with no recourse to public funds

### *Summary of Present Provision*

- 3.7 The Council has provided funding to enable independent legal advice for residents for many years. The Council has also repeatedly grant funded advice and guidance for people with disabilities and older people through Main Programme Grant and decided in January 2012 to include this in the advice and guidance funding stream of the Voluntary Sector Initiative Fund.
- 3.8 The 2012/2013 Advice and Guidance Stream agreed by the Executive in January 2012 consists of:
- Specialist legal advice (£183,346)
  - Generalist legal advice (£359,428)
  - Projects which offer advice and guidance for disabled people and older people (£142,494)
  - An umbrella representative body for people with disabilities in the borough (£159,380)
- 3.9 The regularly renewed service level agreements and grant agreements covered by the review appear to have been set up to align with housing and social care objectives in the first instance when managed by the then Housing and Community Care department. A review of activities undertaken by the different providers illustrates a broader alignment to strategic objectives with legal advice at the heart of building a stronger community and enabling community resilience as people seek to ensure the best for themselves and their families. The specialist advice for elderly and disabled also aligns to drivers for health and well being looking at early intervention as well as community resilience.

### *Other Advice Services*

- 3.10 A look at other similar services funded by different parts of the council highlighted that in addition to the advice offer covered by the Advice and Guidance stream of the Voluntary Sector Initiative Fund, there are some targeted advice services funded by different parts of the council:
- The Early Years Service has a contract with CAB, at a cost of £175,608 a year. This contract is being reviewed in 2013-14. The option of aligning commissioning of this with the Advice and Guidance Stream has been considered with the procurement lead for this area of work and the head of service and several factors mean that this is not considered the preferred route.

- Housing Needs Team (Welfare Reform Mitigation) is funding a joint post with CAB, at a cost of £50,000 for one year. The SLA for this post is currently being finalised.
- Members agreed for ward working to commission a number of voluntary organisations to deliver specific projects at a ward level across a number of wards specifically responding to welfare reform including advice for older people and disabled people, debt, benefit and budgeting advice, private tenants advice and supporting existing organisations working to support residents affected by the welfare reforms to expand.

3.11 An additional legal advice service is being provided independently of Council funding in libraries. 'Instant Law' is a service which operates at Brent Town Hall library and Willesden Green library by means of free online access. Service users can arrange a free thirty minute consultation with a solicitor (via phone or video conference) for advice within the areas listed below. Service users pay to receive on-going legal services beyond the initial consultation. Areas of law include; Family Law, Employment Law, Landlord and Tenant Law, and Immigration Law.

### *Findings*

3.12 The review highlighted the following areas for improvement:

**a) Future funding agreements need to reflect the shifts in local need**

The review found areas of service provision in need of improvement, mainly as a result of older grant agreements or service level agreements reflecting previous contexts. During 2012 the likely impact of changes in national policy on welfare began to be quantified and shifts in the types of advice sought began to be identified. Future service provision needs to reflect the changing demographic and rising needs. In particular advice agencies need to relate more closely to local agencies administering welfare support for local residents, particularly in dealing with clients with higher levels of need than in the past.

**b) The changes to the scope for local aid need to be recognised**

A local 'legal services consortium' which includes a number of the organisations funded through Advice and Guidance stream has been successful in securing funding from the Advice Transition Fund to address (in the short term) the loss of income from nationally funded legal aid. Including all categories of advice in future agreements would enable the best flexibility to deal with a very challenging situation for local residents seeking support. In addition there needs to be a rebalancing of the mix of telephone advice and face to face support, so that the most vulnerable are supported when they need face to face support and the wider advice through other communication channels is maximised to enhance value for money. The changes to legal aid signify a shift in the legal advice services marketplace and this needs to be recognised in future commissioning of these services.

**c) Local services need to align better**

Providers of advice need to work more closely together to enhance what they each offer and how they avoid duplication. The use of volunteers already evident could be enhanced. Further opportunities to improve IT enabled services would also be important. Work to seek transition funding as a consortium should be built upon for future endeavours and the groups utilised as a source of engagement with the council. Use of independent support for building and enhancing local services via CVS Brent should also be pursued further in the development of new business models and collaboration opportunities to provide more stability for future service delivery.

**d) Funding needs to be structured more efficiently**

The arrangements for advice and guidance for disabled and elderly people need to be consolidated. Consistent agreements and monitoring arrangements need to be in place for the whole of the advice and guidance stream, so that the agreements clearly explain expected

outcomes and measures. The agreements should also include clarity on ways to negotiate changes throughout the funding period to enable flexibility to respond to a rapidly changing policy environment.

**e) The council and advice providers need to work more closely**

To ensure a better understanding of what government changes mean and their likely and actual impact, there needs to be better engagement between providers and the council. Providers need to be able to engage with policy development more effectively with the provision of information to enhance the borough wide understanding of key advice sought by residents. The initial drive to enable advice agencies to influence policy development with provision of information about local experiences should be strengthened and encompassed in future agreements.

The review also highlighted some particular anecdotal feedback including the gradual increase in the cases of angry or upset members of the public accessing advice services where increased security has been required. There has been a rise in the numbers receiving food bank vouchers and in the number of people with no recourse to public funds seeking support.

Borough provision of Advice and Guidance has also been referenced in the Early Help Aligned Services Strategy report as part of the One Council 'Working with Families' project. Here the advice and guidance covered by this review is identified as potential referral route for some of the support to families engaged with through the 'working with families' suite of projects. These referral pathways need to be included in any future agreements.

**f) Measurement of outcomes and performance management needs to be improved**

Cases and users need to be logged separately. Common measures should be used to enable comparison where this is appropriate. Performance targets and outcome measures need to be captured consistently.

**g) Accommodation**

All of the providers discussed their accommodation plans, the opportunities for colocation were explored but no firm options were identified.

**h) Advice for disabled people**

During the review some governance and financial difficulties at BADP were identified. The response to these difficulties needs to be reflected in the recommendations.

*Detail on review of legal advice funded*

3.13 The total budget in 2012/2013 for legal advice was £542,774. This consists of provision of generalist legal advice provided by Citizens Advice Bureau at an annual cost of £359,428 and specialist legal advice provided by Brent Community Law Centre at an annual cost of £183,346. A 2012 assessment of London borough legal advice funding levels shows that many London boroughs are funding at a similar or higher level to Brent.

3.14 The strategic alignment to corporate priorities centres on building a stronger community – with the core funding to the organisation enabling the organisation to secure other funding to offer a range of advice including debt and financial planning. Regular referrals to the Foodbank and signposting to other specialist centres including those within the advice and guidance stream funded by the council also show how the work of the organisation features at the heart of supporting those in extreme difficulty and gives us an indicator of the impact of welfare reform. Increasing instances of people who have not been treated appropriately by local employers e.g. loss of employment as a result of maternity leave or being laid off without appropriate notice sit alongside a rise in people in debt and using loan sharks or high interest high street loan shops as common issues encountered by Brent Citizens Advice Bureau. Private sector housing cases and clients slipping between agencies also feature as equally serious issues for a range of providers.



### *Brent CAB*

- 3.15 Brent Citizens Advice provide generalist legal advice for residents at a cost of £359,428 a year. The organisation states through its monitoring that it supports approximately 24,000 people. The CAB's generalist legal advice and information service covers the following categories: Consumer; Money Advice; Welfare Benefits; Employment; Housing; Family and Personal Matters; Taxes; Immigration and nationality; Health and Education. The CAB delivers its services to all residents in the borough as follows:-
- a telephone advice line available within specified operating hours
  - an 'advice surgery' for drop-in sessions without an appointment
  - a drop-in general help service (such as for assistance with completing forms and the provision of relevant information leaflets)
  - an appointment service for more complex or detailed cases, this includes a partnership arrangement for the Mortgage Rescue Scheme
- 3.16 The lapsed service level agreement funds 6 full time equivalent posts and some running costs. The service operates from rented premises in Willesden High Road with customers accessing services at the bureau. Customers are assessed through a gateway assessment interview system and signposted accordingly to the most appropriate services, this can range from help with form filling; initial diagnostic appointment or a more detailed casework appointment is offered. The bureau offer a telephone advice service within specified operating hours and in response to customer and Council feedback, the bureau has reallocated more resources to front line face to face activity. Brent CAB no longer holds a legal aid contract but BCLC and BPTRG have secured legal aid contracts to deliver specialist advice at the Bureau premises.
- 3.17 Accessibility has been mainly through telephone and face to face. Feedback on accessibility indicated a much greater demand in the mornings compared to afternoons and evenings, there was a limited desire for sessions on Saturdays. Welfare, money, housing and employment are the top factors the bureau is contacted about. Recent surveys by the organisation indicate very high levels of customer satisfaction. Complaints levels are low. On site visits provided a clear indication of quality advice and support for local residents with good processes which could be developed further over time through the use of IT to further support the high volumes of people who access the service. The organisation meets the governance, policy and finance assessments undertaken. The CAB has also secured grant funding from the council to provide a training and volunteer programme for long term unemployed people, with a number expected to secure paid employment as a result.

### *Brent Community Law Centre*

- 3.18 Brent Community Law Centre provides specialist legal advice at a cost of £183,346. The organisation states in its monitoring that it supports 5,000 clients via advice line, plus 1,000 people funded through the other funding streams. The BCLC's specialist legal and information advice service covers the following categories of law: Consumer Debt; Welfare Benefits; Housing; Immigration; Education; Mental Health; Community Care; Public Law and Education. The service is delivered to all residents living or working in the borough. The BCLC provides a specialist legal advice and information service to people working and living within the borough as follows:
- a legal advice telephone line together with a further ("second tier") legal advice line as needed
  - a pre-planned appointment service, this includes the partnership arrangement for the Mortgage Rescue Scheme (low take up on this)
  - working with the Council on policy issues, in particular using client experiences to inform and influence the policy and delivery of local services
  - participation in local advice networks, such as providing legal information at classes or community meetings
  - the preparation of information pamphlets or other media on topical legal issues

- 3.19 The lapsed service level agreement funds the posts 4.37 full time equivalent posts and a contribution towards running costs. The structure of the organisation is in the process of being revised. The BCLC service operates from BCLC owned premises in Willesden High Road. Initial point of access is through the specialist telephone advice service. Customers are given advice and aided to assist themselves through the telephone advice service. In multi-faceted complex cases, customers will be offered an appointment to see a specialist legal adviser. All the services until recently were delivered by qualified solicitors. However, in response to the constant pace of change the BCLC has reviewed there services, this as resulted in the BCLC recruiting a number of legally qualified caseworkers. The BCLC also intends to engage more actively with volunteers and has begun to provide face to face drop in sessions in the near future. The BCLC currently holds a legal aid contract covering Community Care, Public Law, Housing, and Immigration. Employment, debt and welfare benefits categories are no longer being funded through a legal aid contract with BCLC.
- 3.20 Accessibility has been mainly through the telephone and face to face with the service level agreement paying mainly for a telephone line but the face to face access developed over time to respond to local need. Feedback on accessibility indicated a much greater demand in the mornings compared to afternoons and evenings, there was a limited desire for sessions on Saturdays. The last customer satisfaction ratings captured were high. Complaints levels are low. The law centre has a long tradition of championing local issues. New management has supported the development of improvements to processes and medium term vision of the organisation. The site visits highlighted careful and skilled phone advisers covering a range of legal issues and ensuring appointments for those issues which cannot be dealt with through the first phone call. The systems for logging issues and the monitoring are complex. Amending the councils monitoring requirements would assist with this. Improvements to the IT systems operated by the organisation would enhance efficiency and the ready availability of appropriate management information. The organisation meets the main governance, policy and financial assessments undertaken, with a couple of points of clarification outstanding.
- 3.21 The drive to secure funding and operate a young people's law centre is something which has captured interest elsewhere in London and could be beneficial to the borough.

### *Main Findings*

- 3.22 The most common categories of legal advice provided by Brent CAB and BCLC are housing, welfare benefits, debt, employment and immigration. The following are in the national scope of legal aid from 1st April 2013: Clinical Negligence, Debt, Discrimination, Education (SEN), Family, Housing, Housing Possession Court Duty Scheme, Immigration and Asylum, Mediation, Welfare Benefits and Other. The national scope of what is covered under the legal aid categories is changing significantly and this will mean that many of the key areas of concern for local residents can no longer be pursued through legal aid. A national telephone service offers some legal advice for some areas of advice now. There has been a significant reduction in the level of legal cases funded by central government in Brent. The main local providers state there is a reduction of approximately 40% compared to last year. The changes to legal aid change the structure of funding for legal advice agencies, which had used council funding as a match to the legal aid cases allocated to the borough. Funding from the council does enables legal advice agencies to cover some of their core costs and thus attract funding from elsewhere for other projects. The providers have secured resource from other funders to offer advice in a range of areas for Brent residents. All of the providers are now working to get transition funding to address some of the loss initially and look at ways to streamline their service to enable more to be available at the front line. They are also looking at the possibility of charging for some services. The loss of the debt welfare and employment advice locally through this national funding stream is of particular concern given the cases coming through the doors as a result of changes to other national service provision.

- 3.23 The Regeneration and Growth and Children and Families Departments and the multi agency welfare reform group identified the loss of legal aid in these areas as significant. Present providers emphasised the need for any future service level agreements to cover the whole range of legal categories to enable the best flexibility in what can continue to be offered to local people. It was recognised in the review that it was not possible for the council to address the impact of the changes to legal aid made by central government. However better use of IT would mean that some volunteer resources could be better utilised. The rise in numbers seeking support and unable to get support as quickly as they would like remains a challenge. Changes to council monitoring requirements would benefit future arrangements. Performance measures with set targets are limited and dated, with regular measures of inputs and outputs minus targets making up the majority of what is collected for the lapsed SLAs at present.

#### *Detail on Generalist Advice and Support funded for people with disabilities and Older People*

##### *Advice and Guidance*

- 3.24 Brent Mencap provides generalist and specialist advice with a focus on provision of social activities for older people and for people with a learning disability (and carers) at a cost of £52,020 a year. The organisation states through its monitoring that it reaches approximately 4000 people and supports approximately 800 people through this project. The review highlighted good quality service provision and championing of disabled people. The organisation met the governance, policy and main financial assessment criteria. The organisation is responding to changes to some of its funding streams in the last few months. Grant agreement requirements did not include as many advice elements as others in the advice and guidance stream.
- 3.25 Age UK Brent provides generalist and specialist advice services for older people via telephone, home visits and outreach surgeries at a cost of £90,474 a year. Activities include information and advice to older people and their carers, welfare benefits and advocacy for older people, especially from BME and refugee communities, volunteering in the Borough to provide services to older people and campaigning on behalf of older people. The organisation states through its monitoring that it supports approximately 5000 people through this project. The organisation met the governance, policy and main financial assessment criteria. The organisation is responding to changes to some of its funding streams in the last few months. The review highlighted a well positioned set of services and measurable outcomes expected from the agreement, all be it a need to reshape the outcomes of any future arrangement to be fully focussed on advice and guidance activity.
- 3.26 Adult Social Care feedback identified scope for formalising feedback into customer journey work and support of encouraging and enabling access to online services for more elderly and disabled people seeking services as an outcome from any future advice provision to these client groups.

##### *Umbrella organisation to represent disabled people*

- 3.27 Brent Association of Disabled People (BADP) was funded to act as the umbrella organisation to support and represent disabled adults in the borough at a cost of £159,380 during 2012/2013. The activities covered by the grant agreement include core costs, welfare rights advice, debt and housing advice and general advice for disabled people. The organisation states through its monitoring that it contacts approximately 8000 people through regular newsletters, with smaller numbers receiving advice and guidance directly. More recently BADP has hosted the BASIS lottery funded project. An umbrella organisation of this sort is present in many London boroughs although a number have ceased to be funded by the local authority or only receive some funding from their local authority.
- 3.28 The level of grant funding allocated to this project requires more specific and measureable outcomes than those presently detailed in the grant agreement. Adult Social Care professionals asked have made some use of the service in the past. The grant agreement does not cover the provision of advocacy and Adult Social Care has commissioned an advocacy service for vulnerable individuals in the last year. The service does not support children and young people and the children and families

department have an advocacy service and other local providers they refer children and young people to for support around advocacy or general advice about disability. The nature of the advice provided is often more related to welfare than it is to adult social care services.

- 3.29 Under the previous procedures for grant monitoring, this project was monitored annually. Quarterly monitoring visits put in place for 2012/2013 have gathered basic information about what the organisation delivers. The grant bid and associated agreement need updating to reflect the present context and local need. The site visits earlier in the year highlighted a steady stream of appointments with disabled people being offered both adequate and good advice. The performance information provided by the organisation highlights a number of areas for improvement to processes. The organisation claims a high rate of success at tribunals to overturn assessment of disabled people for benefits by DWP. The review and other individuals identified some governance and financial difficulties at BADP. The council has worked with BADP to investigate these. The council is not assured of the organisation's governance and financial standing at this time and regrettably has to seek a decision on alternative provision as set out in paragraphs 3.34-3.37.

### **Private Tenant Engagement**

- 3.30 The review also considered a lapsed SLA with Brent Private Tenants Rights Group (BPTRG) costing £33,228.98 a year. This had previously ensured private sector tenant engagement and it is not advice and guidance which is funded. A transitional arrangement was put in place in 2012/2013 whilst the review was being undertaken to enable some collation of data regarding present activities. Monitoring identified a need for strengthened outputs and outcomes to be sought for any future project of this sort and better data collection and evidence of outreach. The organisation meets the governance, policy and financial criteria. The organisation has also been successful in obtaining grant funding for a project entitled 'healthy homes' under the Voluntary Sector Initiative Fund 2013-2016.
- 3.31 The review highlighted issues with the scope and activities sought from the original agreement and concluded that these are no longer considered appropriate to the context and local need. Regeneration and Major Projects were consulted as part of the review. The council has alternative routes to engage with private sector tenant issues and the numbers and range of private sector tenants reached through the present arrangement are relatively low. The council has a formally constituted forum to consult on private rented sector issues and development of this vehicle in future will enhance the council's engagement with private sector tenants and landlords further. The council is reviewing their strategy regarding private sector housing and commissioning a feasibility study for additional licensing and other measures to improve the quality of private sector stock and management of the stock by landlords. The council is also looking at more self service materials for private sector tenants to access on line. The council is seeking to focus on addressing the quality and supply of private sector housing in Brent as a priority and these factors should be considered in any future recommendations. It should also be noted that the council is presently carrying out a procurement exercise regarding a related but different service which benefits private sector tenants - the Council's Tenancy Relations Service following a submission of interest from Brent Private Tenants Rights Group.

### **Proposed Approach**

#### *Legal Advice*

- 3.32 These services are even more important to local people in the context of increasing poverty and challenges following welfare reform, because despite the scope for each of the legal aid categories changing, many will still be in the 'crisis' situations. Funding from the council is essential for the continued ability of advice agencies to secure other funding to support services like debt advice. Reducing funding would be detrimental to not only to what the council delivers as more of our clients are referred to these agencies, but any other funding secured by advice agencies to address issues which are identified as priorities for the council in response to welfare reform. The ability to refer

people from the 'Working with Families' suite of projects needs to be included in any future service level agreement.

- 3.33 Procurement options were considered and given the strength of present providers with clear added value for money in additional benefit for Brent residents secured through the arrangements, the negotiation of a further SLA with the existing providers with an up to date service specification was deemed most appropriate in the first instance. It is recommended that the SLA with Brent CAB is renegotiated and generalist legal advice funded until March 2015 at a cost of £359, 428 a year. It is recommended that the SLA with Brent Community Law Centre is renegotiated and specialist legal advice funded until March 2015 at a cost of £183, 346 a year. These are the same annual amounts which they were receiving in the previous financial year. It is recommended that these service level agreements are renegotiated to include all categories of legal advice, including aspects within the legal aid scope until now. The balance of telephone and face to face advice should be reconsidered in these SLAs to enable both good access to the limited advice resources, and good outcomes for residents in most need. It should be noted that given the changes to the legal aid market, and the limits on extending arrangements, any future funding of legal advice after March 2015, should be the result of recommissioning to secure best value. The intention is to bring a paper to Executive in 2014 to get agreement on next steps.

*Provision of advice for older people and disabled people*

- 3.34 The provision of the advice and guidance element should have broader alignment with a range of health and well being priorities. Adult Social Care are seeking the inclusion of a requirement to feed into customer journey work and improvements of online services for older and disabled people, alongside any general advice provided in new funding agreements. The ability to refer people from the 'Working with Families' suite of projects also needs to be included in any future service level agreement. This fits well with the response in the review from present providers that they would be keen to enhance their role as critical friend to maximise the representation of these cohort of residents alongside any role as provider of service. The Brent Connects Equality, Brent Connects Disability and Brent Connects Pensioners Forums should act as critical friends to this service.
- 3.35 It is recommended that the existing grant agreement with Age UK Brent is extended until March 2014 at a cost of £90,474 and the existing grant agreement with Brent Mencap is extended until March 2014 at a cost of £52,020, which is the same annual amount they were receiving in the previous financial year.
- 3.36 It is also recommended that a new consolidated advice and guidance service is commissioned providing advice and guidance to both elderly and disabled people from 1st April 2014 until 31st March 2015 at a cost of £142,494, with option to extend for a further year at the same cost, subject to the 2014 Executive decision on future advice provision.
- 3.37 It is recommended that the function of an umbrella organisation for disabled people offering specialist advice on disability issues should be funded through an SLA with clear measurable outcomes from advice and clear referral pathways which take into account the national changes to the legal aid system. As the council is no longer assured that the present provider meets the criteria to be funded by the council at this time, an interim arrangement should be put in place at a maximum cost of £159,000 a year, and the function included in the commissioning set out in 3.36 above, making the total budget £301,494.

### *Private Sector Tenant Engagement*

- 3.38 This arrangement should be continued until the end of the year, subject to the provision of appropriate monitoring information. The transitional funding agreement should be administered and performance managed in line with other Voluntary Sector Initiative Fund grant funded projects during that time. After that the funding should be reinvested by Regeneration and Major Projects to commission work to address private sector housing issues.

### *Cross cutting issues*

- 3.39 Regular engagement between advice agencies and council officers and partner agencies needs to be established for clarity on the way in which any changes in policy are being implemented, and improve the ability to address issues which arise as a result of greater pressure on public finances on families in Brent. Better referral pathways between council run services and those run by advice agencies funded by the council also need to be included in future agreements. Agreements need to be reviewed on an annual basis during the agreed period so that outcomes and measures can be updated as required to better reflect the changing context; enhancing the relationship between provision by different agencies in the borough.

## **4. Conclusion**

- 4.1 Taking into account the findings of the review members are asked to agree to implement the recommendations set out in section 2 to enhance the provision of advice and guidance in the borough.

## **5. Financial Implications**

- 5.1 The Voluntary Sector Initiative Fund has a total of £2,076,457. This includes funding for infrastructure support, themed grant funding and advice and guidance funding. This report is concerned with the arrangements for advice and guidance funding. The proposals can be delivered within existing budgets and are in line with the previous Executive decision on this funding stream in January 2012. The private tenant engagement proposal results in the removal of the funding for the project from the Advice and Guidance Stream so the fund is reduced by £33,229
- .
- 5.2 The proposals recommend the following allocation of funding:

## Voluntary Sector Initiative Fund

<b>Cost Item</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
<b>Themed Grants Stream</b>			
Themed Grants 2012 -2015	<b>241,261</b>	<b>241,902</b>	<b>0</b>
Themed Grants 2013 - 2016	<b>311,924</b>	<b>318,958</b>	<b>320,481</b>
Small Grants	<b>59,643</b>	<b>52,609</b>	<b>51,086</b>
<b>Other</b>	<b>78,019</b>	<b>77,378</b>	<b>TBA</b>
<b>Infrastructure Stream</b>	<b>159,249</b>	<b>159,249</b>	<b>TBA</b>
<b>Advice and Guidance Stream</b>	<b>850,645</b>	<b>850,645</b>	<b>TBA</b>
Specialist Legal Advice	183,346	183,346	TBA
Generalist Legal Advice	359,428	359,428	TBA
Advice and Guidance – disabled and older people	301,874	301,874	TBA
Other	5,997	5,997	TBA
<b>Tenant Engagement Project</b>	<b>33,229</b>	<b>0</b>	<b>0</b>
<b>London Councils Contribution</b>	<b>342,487</b>	<b>342,487</b>	<b>TBA</b>
<b>TOTAL</b>	<b>2,076,457</b>	<b>2,043,228</b>	

### Advice and Guidance Stream

<b>Provision</b>	<b>Organisation</b>	<b>Cost 2013/2014</b>	<b>Cost 2014/2015</b>
<b>Specialist Legal Advice</b>	<b>Brent Community Law Centre</b>	<b>183,346</b>	<b>183,346</b>
<b>Generalist Legal Advice</b>	<b>Brent Citizen's Advice Centre</b>	<b>359,428</b>	<b>359,428</b>
<b>Advice and Guidance – disabled and elderly</b>	<b>TBC 2013-2014</b> <b>Age UK Brent</b> <b>Brent Mencap</b>  <b>Combined Provision 2014-2015 TBC</b>	<b>159,380</b> <b>90,474</b> <b>52,020</b>	<b>301,874</b>
<b>Other</b>		<b>5,997</b>	<b>5,997</b>
<b>Total</b>		<b>850,645</b>	<b>850,645</b>

## **6. Legal Implications**

- 6.1 The Council has powers under section 137 of the Local Government Act 1972 and under the general power of competence under section 1 of the Localism Act 2011 to make grants to voluntary organisations and to provide financial assistance for the provision of advice services to the public of the sort provided by the CAB and the BCLC.
- 6.2 The decision to award a grant is discretionary. The Council's discretion must not be fettered by previous commitments they may have given and it should make its decision in the light of present circumstances.
- 6.3 The Council is bound to act reasonably and must take into account relevant considerations and to ignore irrelevant considerations and should consider its fiduciary duty towards local taxpayers.

- 6.4 Best Value authorities are under a general Duty of Best Value under section 3(2) of the Local Government Act 1999 to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.”
- 6.5 Under the Duty of Best Value, the Department of Communities and Local Government recommends in its Guidance (which is mentioned in the next paragraph) that local authorities should consider overall value, including economic, environmental and social value, when reviewing service provision. As a concept, social value is about seeking to maximise the additional benefit that can be created by procuring or commissioning goods and services, above and beyond the benefit of merely the goods and services themselves.
- 6.6 In September 2011, the Government circulated Best Value Statutory Guidance (“the Guidance”) for consultation. According to that Guidance, local authorities should be sensitive to the benefits and needs of voluntary and community sector organisations and should seek to avoid passing on disproportionate cuts. The Guidance also advises that a local authority intending to reduce or end grant funding or other support to a voluntary or community organisation that will materially threaten the viability of the organisation or service it provides should give at least three months’ notice to both the organisation involved and the public/service users. The Guidance also advises that a local authority should actively engage the organisation as early as possible on the future of the service, any knock-on effect on assets used to provide this service and the wider impact both on service users and the local community. The Guidance also advises that where appropriate, local authorities should make provision for an affected organisation or wider community to put forward options on how to reshape the service or project and local authorities should assist this by making available all appropriate information.
- 6.7 In respect of the changes to the legal aid system, legal aid / public funding will only be available in housing law cases where there is serious disrepair or homelessness, possession proceedings and for anti-social behaviour cases in the county court. There will be no legal aid for debt cases save for those cases in which there is an immediate risk to the home. The majority of immigration work will no longer be covered by legal aid, except for those in immigration detention or cases involving torture or claims under the Refugee Convention. Legal aid will only be available for education cases in relation to special educational needs cases. There will no longer be legal aid for welfare cases except for appeals to the upper tribunal or higher courts. There will no longer be legal aid available for employment law cases except for cases which involve a contravention of the Equality Act 2010 or if the claim arises in relation to the exploitation of an individual who is a victim of human trafficking. Legal aid will remain available for public family law cases (such as adoption). However it will only be available for private family law cases (such as contact or divorce) if there is evidence of domestic violence or child abuse and child abduction cases.
- 6.8 The public sector equality duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have ‘due regard’ to the need to eliminate discrimination, harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a ‘protected characteristic’ and those who do not share that protected characteristic. A ‘protected characteristic’ is defined in the Act as:
- age;
  - disability;
  - gender reassignment;
  - pregnancy and maternity;
  - race;(including ethnic or national origins, colour or nationality)
  - religion or belief;
  - sex;
  - sexual orientation.
- Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.



- 6.9 Having due regard to the need to ‘advance equality of opportunity’ between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimize disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and encourage those who have a protected characteristic to participate in public life. The steps involved in meeting the needs of disabled persons include steps to take account of the persons’ disabilities. Having due regard to ‘fostering good relations’ involves having due regard to the need to tackle prejudice and promote understanding. Complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law. It will be the duty of the decision maker, i.e. the Executive, to give the appropriate due regard to its duties under the Equality Act 2010.
- 6.10 Direct discrimination occurs if, because of a protected characteristic, a local authority treats a person less favourably than it treats or would treat others. Indirect discrimination occurs if a local authority applies the same provision, criterion or practice to everyone, but it puts those in a certain protected group at a “particular disadvantage” when compared with persons who are not in that protected group. Even if a “particular disadvantage” arises, indirect discrimination does not arise if the provision, criterion or practice can be justified – i.e. if it is a proportionate means of achieving a legitimate aim.
- 6.11 The Council must pay due regard to any obvious risk of such discrimination arising in respect of the decision before them. At Brent, these matters are examined in the Equality Analysis. Due regard to the need to eliminate discrimination, advance equality, and foster good relations must form an integral part of the decision making process. The Council must consider the effect that implementing a particular policy will have in relation to equality before making a decision.
- 6.12 There is no prescribed manner in which the equality duty must be exercised. However, the council must have an adequate evidence base for its decision making. This can be achieved by gathering details and statistics on who uses the service. A careful consideration of this assessment is one of the key ways in which the Council can show “due regard” to the relevant matters. Where it is apparent from the analysis of the information that the proposals would have an adverse effect on equality then adjustments should be made to avoid that effect (mitigation).
- 6.13 The duty is not to achieve the objectives or take the steps set out in s.149. Rather, the duty on public authorities is to bring these important objectives relating to discrimination into consideration when carrying out its functions. “Due regard” means the regard that is appropriate in all the particular circumstances in which the authority is carrying out its functions.
- 6.14 There must be a proper regard for the goals set out in s.149. At the same time, the council must also pay regard to any countervailing factors, which it is proper and reasonable for them to consider. Budgetary pressures, economics and practical factors will often be important, which are brought together in the Equality Analysis. The weight of these countervailing factors in the decision making process is a matter for the Council in the first instance.

## **7. Equality Implications**

- 7.1 Equality analysis informed the development of recommendations arising from the review and the attached Equality Impact Assessment document sets out the implications of the recommendations. With the exception of ceasing the private sector tenant engagement project no adverse impact has been identified for the nine groups with protected characteristics under the Equality Act. Overall the equality impact of the proposals is considered as positive in ensuring targeted support for the disabled and elderly and a range of advice services to support vulnerable people in the borough.

- 7.2 The potential adverse impact of Brent Association of Disabled People no longer providing a service is also considered and mitigated with the proposed provision of both alternative interim and replacement services.
- 7.3 The potential adverse impact of decommissioning the tenant engagement project (which is not advice and guidance) has been considered with available data and options for mitigation provided to address this. Mitigation includes the Brent Connects Private Sector Housing Forum and further development of this forum; area specific 'Brent Connects' Forums across the borough where residents can raise issues of concern and more self service materials for private sector tenants provided by the council online. The recommendations propose commissioning further work to address private sector housing issues, many of which are the key concerns of those engaged through the tenant engagement project. Additional mitigation is found in a greater focus on support to address the issues affecting private sector tenants including generalist advice services in the borough, housing team work, the healthy homes project led by Brent Private Tenants Rights Group under the themed grant funding stream of the Voluntary Sector Initiative Fund. The present procurement process being carrying out by the council for the tenancy relations service is also noted.

## **8. Appendices**

Appendix 1: Equality Impact Assessment

## **9. Background Documents**

- Borough Plan
- Borough Plan Refresh
- Health and Well Being Strategy
- Working with Families Aligned Service recommendations
- Children and Families Plan
- Legal Services Commission changes to legal aid scope
- Peer Review Feedback 2011
- Voluntary Sector Initiative Fund Consultation 2011
- Voluntary Sector Initiative Fund Executive Report January 2012
- Provider interviews
- Notes of service area feedback
- Site Visit Reports 2012/2013
- Monitoring documentation 2012/2013
- Grant Agreements and SLAs
- Financial Assessments of accounts
- Organisational policies
- Minutes of Welfare Reform Meetings

Joanna McCormick, Partnerships Coordinator  
Cathy Tyson, Assistant Director – Policy


# Equality Analysis



## Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

<b>Directorate:</b>  Strategy, Partnerships and Improvement  <b>Service Area:</b> Corporate Policy Team	<b>Person Responsible:</b> Name: Joanna McCormick Title: Partnerships Coordinator Contact No: 0208 937 1608 Signed:
<b>Name of policy:</b> <b>Advice and Guidance Stream Review – Voluntary Sector Initiative Fund</b>	<b>Date analysis started: April 2012</b>  <b>Completion date: March 2013</b>  <b>Review date: March 2014</b>
<b>Is the policy:</b>  New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	<b>Auditing Details:</b> Name: Eoin Quiry Title: Senior Practitioner (Diversity) Date 18.04.13 Contact No: 0208 937 1623  Signed: 
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Cathy Tyson Title: Assistant Director, Policy Date: April 2013 Contact No: 0208 937 1045 Signed:	<b>Decision Maker:</b> Name individual /group/meeting/ committee: <b>Executive</b>  Date: <b>July 2013</b>

**2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area? Please refer to stage 2 of the guidance.**

In January 2012, the Executive decided to create a Voluntary Sector Initiative Fund from the former Main Programme Grant and Advice budgets. The review and equality analysis undertaken at that time led to the creation of an Advice and Guidance stream within the Voluntary Sector Initiative Fund.

It was identified that the stream would include significant elements which would benefit people with a disability and some elderly people.

During 2012/2013 the Service Level Agreements and grant funded projects within the Advice and Guidance Stream were reviewed to identify better proposals for future advice and guidance provision. These services include generalist and specialist provision for older people and people with disabilities, as well as legal services provision for all residents.

The review has been completed and the following is proposed:

- To renegotiate Service Level Agreements with Brent Community Law Centre for the provision of specialist legal advice and Brent Citizen's Advice Bureau provision of generalist legal advice until March 2015.
- To extend the existing grant agreements with Age UK and Brent Mencap for the provision of advice and guidance for disabled and some elderly people until end of March 2014
- To secure an interim service to replace the grant funded project to provide an umbrella body to represent disabled people in the borough and offer advice and guidance until the end of March 2014.
- Seek new bids for a consolidated advice and guidance for disabled and some elderly people for 2014/2015, incorporating all of funding for advice and guidance for people with disabilities and older people. Include the option to extend for a second year subject to 2014 advice funding decisions.
- To extend existing arrangements for private sector tenant engagement provided by Brent Private Tenants Rights Group until 31st March 2014, giving notice that the council does not intend to fund this particular project after that time.
- To reallocate the funding spent on tenant engagement to commission a project/s to address private sector housing issues in the borough

**3. Describe how the policy will impact on all of the protected groups.  
What evidence have you relied on to reach these conclusions?**

**Projects currently funded through voluntary sector grants impact on protected characteristics in the following way:**

**Age** – There is a relatively small proportion of people benefiting from projects in the Voluntary Sector Initiative Fund who are aged over 60.

In contrast, approximately 34% of the total funding in the Advice and Guidance funding stream is going to projects where the beneficiaries are aged over 60.

Of the total number of beneficiaries in the Advice and Guidance funding stream, 19.5% are aged over 60.

This is in context with the Borough average where 14.5% of the population is aged over 60.

**Disability** –Of the total beneficiaries of the Voluntary Sector initiative Funding, 19% are disabled people.

In contrast, 46% of the total funding amount in the Advice and Guidance funding stream is going to projects where the beneficiaries are disabled people.

Of the total number of beneficiaries in the Advice and Guidance funding stream, 26.5% are disabled.

This is in context with the Borough average where 15.6% of the population is registered as disabled.

Some organisations have a higher than average proportion of disabled people benefiting from the project they are running, such as Brent Mencap.

**Race** – 71% of the funding in the Advice and Guidance stream is benefiting people from a Black or Ethnic Minority (BME) background, which is above the proportion of people from BME backgrounds in the borough population (59%).

**Gender** – 48% of funding is benefiting females, a slightly lower proportion than that in the borough population (49.8%).

No data is presently held for religion or belief, sexual orientation, gender reassignment, pregnancy or maternity for nearly all organisations presently funded. Organisations presently providing advice report anecdotally that there are only a few cases now and again which are concerned particularly with religion, sexual orientation or gender reassignment. Again anecdotally, there have been a series of cases of employment advice being sought following staff losing jobs after taking maternity leave and this issue has been pursued by the local organisations with further advice for local employers on the legal position. The organisations are tracking cases of this sort so there is an understanding of numbers who benefit from the service on the basis of this protected characteristic.

The policy will have a positive impact on protected groups.

In securing provision for both specialist and non-specialist the Advice and Guidance Stream support in the 4 areas listed above, the policy ensures that there is:

- (i) Widespread positive impact on all protected groups; particularly in terms of legal services provision.
- (ii) Targeted positive impact on specific protected groups (such as the elderly and disabled).

The overall Voluntary Sector Initiative Fund including the Advice and Guidance Stream enables the inclusion of all protected groups and also supports vulnerable groups which would be underrepresented otherwise.

**Please give details of the evidence you have used:**

The equality monitoring by organizations funded to deliver against Service level agreements and grant agreements was used to assess impact. Snapshots of the population as a whole was used as a benchmark along side evidence of local need identified through Brent Data Statistics responses from residents and local providers of services who were involved in the peer review or subsequent review of existing provision and changed welfare context.

- Consultation responses on the development of Voluntary Sector Initiative Fund including the Advice and Guidance Stream
- Census data (ONS, NOMIS)
- Service Provider self-assessment data (service user statistics)
- Brent borough profile for demographic data (needs assessment)
- Equality monitoring data and guidelines
- Previous reports produced relating to the same user group

**4. Describe how the policy will impact on the Council's duty to have due regard to the need to:**

**(a) Eliminate discrimination (including indirect discrimination), harassment and victimisation;**

- The funding of advice and guidance as proposed will ensure that groups subject to discrimination can seek support either through legal advice or through advice tailored specifically to their protected characteristic – disability or age.

**(b) Advance equality of opportunity;**

- Provide practical support to protected groups (e.g. debt management).
- Provide additional advice and guidance to protected groups.
- Enable service users to improve their access to mainstream services.

**(c) Foster good relations**

- Multi-agency support and training
- Facilitate service user communications and awareness of support available.
- Updated outcomes and improved referral routes to these services will enable better engagement between those individuals advised and the wider community.

**5. What engagement activity did you carry out as part of your assessment? Who did you engage with? What methods did you use? What did you find out? How have you used the information gathered? How has it affected your policy? Please refer to stage 3 of the guidance.**

The assessment began drawing on consultation responses to the creation of the Advice and Guidance Stream within the Voluntary Sector Initiative Fund, and customer feedback on legal advice services.

The assessment was developed further on the basis of quantitative data about the demography of the borough in conjunction with equality monitoring data provided by the organisations running presently funded projects. Each group provided equality information about the people who benefit from projects they run and this has been used to make a qualitative judgement.

These projects were agreed upon before the Equality Act 2010 came in and the monitoring covered race, gender, disability and age but not pregnancy, maternity and gender reassignment. Only some organisations provided information on religion and sexual orientation and the data was not comprehensive enough to analyse. Each project was considered separately in relation to each equality strand and then the collective themes and strands were also analysed.

**6. Have you identified a negative impact on any protected group, or identified any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or negate this impact. Please refer to stage 2, 3 & 4 of the guidance.**

Most of the recommendations facilitate positive impacts for groups of people with protected characteristics. We only identified potential negative impacts for protected groups in relation to one recommendation, which is set out below. In terms of the protected characteristics the following was identified

**Age** – The fund is now more consolidated and the proposal for aligned advice services will ensure a focus on elderly people, particularly those with a disability. When looking at the Voluntary Sector Initiative Fund as a whole, it is clear that any potential adverse impact for elderly people identified in the 2012 equality analysis for the fund as a whole is mitigated by the implementation of the recommendations for this stream alongside the shift in the people benefiting from the Voluntary Sector Initiative themed grant projects, which in more recent rounds have included more elderly people as beneficiaries.

**Disability** – Funding has become more consolidated and the proposed alignment of services ensures that the potential adverse impact identified in the 2012 equality analysis is mitigated. The 2012 analysis was one of the key factors in the creation of the Advice and Guidance stream. The equality analysis highlights that people with a disability will be positively impacted by the continued provision through the Advice and Guidance Stream and that across the Voluntary Sector Initiative Fund as a whole, the Advice and Guidance stream balances out the slight under representation of disabled people in other grant funded projects.

**Race** - Grant funding has consistently benefitted a range of BME communities. The fund as a whole and the advice and guidance stream has a positive impact on people from BME backgrounds with a slightly higher percentage than that seen in the general population accessing the services presently funded. When reviewing the areas of the borough receiving this advice, there is a correlation with deprivation levels and associated poverty which explains this finding.



**Gender** - There is a slighter lower proportion (48%) of females when compared to the Borough average of 50% who are accessing advice and guidance services in the borough.

No data is presently held for religion or belief, sexual orientation, gender reassignment, pregnancy or maternity for nearly all organisations presently funded. The Corporate Diversity team has begun work with organisations to try to improve monitoring for all of the funded projects within the Voluntary Sector Initiative Fund.

#### **Tenant engagement proposal**

The review also considered a lapsed SLA with Brent Private Tenants Rights Group (BPTRG) costing £33,228.98 a year. This had previously led private sector tenant engagement and it is not advice and guidance which is funded. The proposal to cease funding the tenant engagement project at the end of March 2014 has the following potential impact:

There are over 33,000 (Census 2011) households within the borough who are renting private accommodation. Of these, the estimated figures provided by the organisation for numbers of people engaged through the tenant engagement project make up approximately 1.5% with a large proportion being older people.

The potential impact will be mitigated through the Private Sector Housing Forum and area specific 'Brent Connects' Forums across the borough where residents can raise issues of concern. Also, private sector tenants will be able to access other generalist advice services in the borough.

Alternative support for concerns identified by private sector tenants is also available for residents in private sector housing through housing teams, the tenancy relations service (currently going through a procurement process) and a healthy homes project led by Brent Private Tenants Rights Group under the themed grant funding stream of the Voluntary Sector Initiative Fund. Private sector tenants are engaged through case work support rather than the broader engagement of private sector tenants on cross cutting issues.

The recommendations propose commissioning work to address private sector housing issues, many of which are the key concerns of those engaged through the tenant engagement project. This also offers a form of mitigation.

#### **Brent Association of Disabled People**

As the council is not in a position to continue to fund BADP, there is a potential impact on people with a disability in the first instance. The report proposes putting in an alternative service in place as an interim measure and then to look at a consolidated service of advice and guidance for disabled and elderly from April 2014.

#### **Please give details of the evidence you have used:**

Please see data listed in section 3 and evidence of engagement listed in section 5.

## 7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age	√		
Disability	√		
Gender re-assignment			√
Marriage and civil partnership			√
Pregnancy and maternity			√
Race	√		
Religion or belief			√
Sex	√		
Sexual orientation			√

## 8. The Findings of your Analysis

Please complete whichever of the following sections is appropriate (one only). Please refer to stage 4 of the guidance.

### Adjust the policy

This may involve making changes to the policy to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential adverse effect on a particular protected group(s).

Remember that it is lawful under the Equality Act to treat people differently in some circumstances, where there is a need for it. It is both lawful and a requirement of the public sector equality duty to consider if there is a need to treat disabled people differently, including more favourable treatment where necessary.

If you have identified mitigating measures that would remove a negative impact, please detail those measures below.

Please document below the reasons for your conclusion, the information that you used to make this decision and how you plan to adjust the policy.

To mitigate the potential impact of the Brent Association of Disabled People no longer being in a position to deliver the project, the report proposes that the council secures an interim service until the end of March 2014 and in the meantime seeks consolidated advice and support services for people with disabilities and older people to begin in April 2014.

To mitigate for any impact of ceasing to fund the Tenant Engagement Project after March 2014, in addition to the existing provision of generalist advice through organisations like Citizens Advice Bureau and the housing team at Brent Council, there will be numerous opportunities for private tenants to raise issues of concerns through housing forums such as the Private Sector Housing Forum and the ward specific Brent Connects Forums. A further commissioned project looking at private sector housing issues will seek to respond to some of the key points identified by private sector tenants through tenant engagement.

The proposals outlined above adjust the policy to respond to changes in need and organisational circumstance.

## 9. Monitoring and review

**Please provide details of how you intend to monitor the policy in the future. Please refer to stage 7 of the guidance.**

The voluntary sector is engaged and consulted with through the voluntary sector liaison forum. In addition, the development of a new CVS offers the ideal opportunity to communicate across the range of organisations which make up Brent's voluntary sector.

Future monitoring will take place in the following way:

- Corporate Officer Group to monitor progress of Council-funded projects.
- Updated bidding documentation.
- Updated monitoring forms for project returns which cover all protected characteristics in the Equality Act and emphasize the action being taken to tackle any adverse impact identified.
- Quality monitoring of contracts
- Specific equalities measures

## 10. Action plan and outcomes

**At Brent, we want to make sure that our equality monitoring and analysis results in positive outcomes for our colleagues and customers.**

**Use the table below to record any actions we plan to take to address inequality, barriers or opportunities identified in this analysis.**

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome

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 <p><b>Brent</b></p>	<p><b>Executive</b> 15 July 2013</p> <p><b>Report from the Deputy Director of Finance</b></p>
<p>For Action <span style="float: right;">Wards affected: ALL</span></p>	
<p><b>West London Waste Authority – Capital Contribution</b></p>	

*Appendix 1 is not for publication as it contains the following category of exempt information as specified in the Local Government Act 1972, namely information covered by paragraph 3 of Schedule 12A: Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

## 1.0 Summary

- 1.1 In April 2013 the West London Waste Authority (WLWA) agreed to award preferred bidder status to a consortium of companies for construction of a waste treatment facility and the subsequent treatment of residual waste, following a procurement exercise. There is an opportunity for the constituent boroughs of WLWA to make a capital contribution towards the construction cost of the facility being built, in return for an annual interest payment from the WLWA.

## 2.0 Recommendations

- 2.1 The Executive is asked to agree in principle to a capital contribution of up to £15million, provided that a sufficient number of the other WLWA constituent boroughs agree to contribute as well (since the decision to proceed with the investment is dependent on support from others in order to reach a required level of investment).

- 2.2 That authority is delegated to the Deputy Director of Finance, after consultation with the Director of Legal and Procurement and the Deputy Leader of the Council to agree the final amount and terms of the loan.

### **3.0 Detail**

- 3.1 WLWA is a statutory joint authority with six constituent boroughs (Richmond, Hounslow, Ealing, Harrow, Hillingdon and Brent). As a waste authority it is responsible for disposing of the waste collected by the constituent boroughs. WLWA is primarily financed by charges to the constituent boroughs, comprising a fixed levy and charges based on tonnages disposed of. Other income is generated from charges including charges for non-domestic waste disposal.
- 3.2 The Joint Waste Management Strategy for WLWA identified some years ago that the authority was in danger of failing to hit Government targets for diverting waste from landfill. It also identified that the rising cost of landfill, together with potential penalties for exceeding landfill targets, would mean that as well as the environmental impact of landfill, the authority would be facing excessive costs if it did not take effective action.
- 3.3 Over past years the WLWA has let a number of contracts to manage the disposal of waste but now needs to secure a replacement for the landfill contracts. The capacity required is around 250,000 tonnes per annum and WLWA has been procuring this in the market. It has considered a wide number of options and worked through an OJEU procurement process which has led to the current position where WLWA have agreed the preferred bidder for the development of a new Energy from Waste facility. The procurement was for a design, build and operate contract, however there are a number of options as to how the build element will be financed. This development will enable costs to be contained, 96.1% diversion from landfill and a reduced carbon impact from waste disposal. The proposal is also attractive as it offers an almost fixed cost to waste disposal.
- 3.4 The next phase of this proposal is to finalise the contract terms and move to financial close with the preferred bidder as quickly as practical to ensure there is no delay in the development of the new site.
- 3.5 The proposal from the preferred bidder (a consortium lead by SITA) assumed funding from a combination of equity from the consortium and debt secured from commercial lenders.
- 3.6 As part of the overall funding discussions the WLWA has raised the possibility of providing direct funding for the project (with WLWA effectively drawing the finance for this from loans from the constituent boroughs). The proposition is that the boroughs will be able to access finance at a lower rate than commercial lenders.
- 3.7 It should be stressed that the overall proposals and final contract is in no way dependent on this decision i.e. this is purely a decision on whether the Council chooses to invest directly in the project to achieve a better financial outcome.

## **4.0 Financial Implications**

- 4.1 The proposal is for each of the boroughs to invest £15m in this project via a loan to WLWA that they subsequently provide as funding for the SITA project. WLWA would then repay this loan over the life of the SITA agreement together with an interest rate based on the savings achieved from removing part of the equity or commercial debt currently assumed. As the project has yet to reach financial close the exact interest payable cannot currently be provided. However, the confidential section of this report provides an estimate based on a prudent set of assumptions. These figures are commercially sensitive and hence must remain confidential at this stage.
- 4.2 Irrespective on whether this investment is financed from cashflow (by reducing external investments) or through borrowing, the investment offers a significant net financial benefit for the Council.
- 4.3 Clearly in making this (or any) investment there is a risk. However, the risk has both been reviewed by the WLWA advisors (PwC) and independently on behalf of all the Boroughs by Treasury Advisors (Sector). The view from both is that the major risk to WLWA (and therefore the Boroughs) is contained in the commitment to the overall procurement deal and is only marginally increased by the decision to provide direct investment (such risk being largely associated with the potential delay in realising the benefits if the contractor were to fail in its obligations). The advisors have stressed the importance of ensuring that the WLWA contract with the preferred bidder contains appropriate conditions to maintain this position. Officers will be working with WLWA to ensure that the contract contains appropriate conditions and safeguards, however the constituent boroughs will not be a party to the contract. It should also be noted that a failure of one of the other boroughs to make its required payment to WLWA set out in its loan agreement will place the WLWA in potential breach of the waste management contract, and therefore also expose Brent to risk. Similarly, if for any reason, any borough decides subsequently not to sign the final loan agreement, this will involve additional cost for WLWA which would have to be met by the constituent boroughs. It is likely that, if the preferred bidder borrows from commercial lenders as well as the boroughs, that such lenders are likely to require (a) that the loan agreements are signed before or at the same time as the main contract with the preferred bidder, and (b) that WLWA covenant with them (the lenders) to enforce the loan agreements.
- 4.4 Each of the other constituent boroughs is currently considering their position on this issue and it is likely to require the majority to contribute in order to provide sufficient funding for SITA to progress with this offer, hence the provisional wording of the first recommendation above

## **5.0 Legal Implications**

- 5.1 Brent's legal powers to provide financial assistance to WLWA depend on whether the financial assistance is treated as a loan or as an investment.

- 5.2 Brent has the power to give financial assistance (either grants or loans) to WLWA under Part 1 of the Localism Act 2011 and in particular the general power of competence under section 1 of that Act which enables local authorities to do anything, which a natural person can do and which they are not prohibited by other legislation from doing.
- 5.3 Alternatively, under section 12 Local Government Act 2003 a local authority has power to invest for any purpose relevant to its functions or for the purposes of the prudent management of its financial affairs. As such it would need to fall within the scope of investments permitted by Brent's investment strategy required to be in place under the Local Government Act 2003.
- 5.4 Under regulations made under the 2003 Act, the loan / investment would be treated as capital expenditure. In order to fund the loan / investment, the capital expenditure regime in the 2003 Act gives power to Brent to borrow to fund its capital expenditure, subject to compliance with the prudential borrowing regime. So unless capital reserves are used, borrowing is permitted, including prudential borrowing from the Public Works Loan Board.
- 5.5 The loan by Brent to WLWA would involve a formal, legally binding loan agreement to be drawn up at financial close of the procurement. WLWA would then similarly enter into a legally binding commitment with its preferred bidder to provide some of the project funding. See also paragraph 4.3 above.
- 5.6 Although the loan will not be formally agreed until financial close it should be recognised that if the constituent boroughs agree to this proposal now, WLWA and its preferred bidder will begin finalising the project funding on this basis.
- 5.7 It will also be necessary for the loan/ investment to Brent to be structured in such a way that it does not fall foul of the EU regime prohibiting state aid. This is because the provision of a loan at lower than commercial market rates can amount to state aid; however the state aid rules will not be engaged provided that the benefit of the loan is wholly retained by WLWA and no benefit is passed on by WLWA to its contractor.
- 5.8 The form of loan agreement will be subject to review by the Council's legal team. Ealing Council are the lead borough for the West London Waste Authority and as such have instructed external lawyers for the purpose of advising on the powers to enter into the loan agreements. It may be agreed between the boroughs that Ealing advise all the boroughs; if this is the case, then there will need to be a Memorandum of Understanding to regulate the liabilities of Ealing as adviser and the other boroughs relying on that advice.

## **6.0 Diversity Implications**

- 6.1 None identified.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

- 7.1 None identified.



## **Background Papers**

None

## **Contact Officers**

Mick Bowden  
020 8937 1460


Deputy Director of Finance

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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 <p><b>Brent</b></p>	<p><b>Executive</b> 15 July 2013</p> <p><b>Report from the Deputy Director of Finance</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p><b>2012/13 Treasury Management Outturn Report</b></p>	

## 1. SUMMARY

- 1.1 This report updates members on recent Treasury Management activity. The Council can confirm that it has complied with its Prudential Indicators for 2012/13. Details can be found in Appendix 1.

## 2. RECOMMENDATION

- 2.1 The Executive is asked to note the 2012/13 Treasury Management outturn report as also submitted to the Council and Audit Committee.

## 3. DETAIL

### 3.1 BACKGROUND

- 3.1.1 The Council's Treasury Management activity is underpinned by the Chartered Institute of Public Finance and Accountancy's (CIPFA's) Code of Practice on Treasury Management ("the Code"), which requires local authorities to produce annually Prudential Indicators and a Treasury Management Strategy Statement on the likely financing and investment activity. The Code also recommends that members are informed of Treasury Management activities at least twice a year. A strategy is approved by the Council with the Budget and the outturn is reported as soon as possible after the end of the year and progress is reported half way through the year. Reports are scrutinised by the Audit Committee.
- 3.1.2 Treasury Management is defined as: "The management of the local authority's investments and cash flows; its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

- 3.1.3 Overall responsibility for Treasury Management remains with the Council. No Treasury Management activity is without risk; the effective identification and management of risk are integral to the Council's Treasury Management objectives.

## **3.2 Economic Background**

- 3.2.1 The global outlook stabilised mainly due to central banks maintaining low interest rates and expansionary monetary policy for an extended period. Equity market assets recovered sharply with the UK stock market registering a 9.1% increase over the year. This was despite economic growth in major economies being either muted or disappointing.
- 3.2.2 In the UK the economy shrank in the second and fourth quarters of 2012. It was the 0.9% growth in the third quarter, aided by the summer Olympic Games, which allowed growth to register 0.2% over the calendar year 2012. The expected boost to net trade from the fall in the value of sterling did not materialise, but raised the price of imports, especially low margin goods such as food and energy. Avoiding a 'triple-dip' recession became contingent on upbeat services sector surveys translating into sufficient economic activity to overhaul contractions in the struggling manufacturing and construction sectors.
- 3.2.3 Household financial conditions and purchasing power were constrained as wage growth remained subdued at 1.2% and was outstripped by inflation. Annual Consumer Price Index (CPI) dipped below 3%, falling to 2.4% in June 2012 before rising to 2.8% in February 2013. Higher food and energy prices and higher transport costs were some of the principal contributors to inflation remaining above the Bank of England's 2% CPI target.
- 3.2.4 The lack of growth and the fall in inflation were persuasive enough for the Bank of England to maintain the Bank Rate at 0.5% and also sanction additional £50 billion asset purchases as part of its Quantitative Easing (QE) programme in July, taking total QE to £375 billion. The possibility of a rate cut was discussed at some of the Bank's Monetary Policy Committee meetings, but was not implemented as the potential drawbacks outweighed the benefits. In the March Budget the Bank's policy was revised to include the 2% CPI inflation remit alongside the flexibility to commit to intermediate targets.
- 3.2.5 The labour market was surprisingly resilient, with the unemployment rate falling to 7.8%. Many of the gains in employment were through an increase in self-employment and part time working.
- 3.2.6 The Chancellor largely stuck to his fiscal plans with the austerity drive extending into 2018. In March the Office for Budgetary Responsibility (OBR) halved its forecast growth in 2013 to 0.6% which then resulted in the lowering of the forecast for tax revenues and an increase in the budget deficit. The government is now expected to borrow an additional £146bn and sees gross debt rising above 100% of Gross Domestic Product (GDP) by 2015-16. The fall in debt as a percentage of GDP, which the coalition had targeted for 2015-16, was deferred by two years. With the national debt metrics inconsistent

with a triple-A rating, it was not surprising that the UK's sovereign rating was downgraded by Moody's to Aa1. The AAA status was maintained by Fitch and S&P, albeit with a Rating Watch Negative and with a Negative Outlook respectively.

3.2.7 Gilt Yields and Money Market Rates: Gilt yields ended the year lower than the start in April. 10-year yields fell by nearly 0.5% ending the year at 1.72%. The reduction was less pronounced at the longer end; 30-year yields ended the year at 3.11%, around 0.25% lower than in April.

3.2.8 The Funding for Lending Scheme caused a sharp drop in rates at which banks borrowed from local government. 3-month, 6-month and 12-month interbank rates, which were 1%, 1.33% and 1.84% at the beginning of the financial year, fell to 0.44%, 0.51% and 0.75% respectively.

### 3.3 THE BORROWING REQUIREMENT AND DEBT MANAGEMENT

#### Public Works Loans Board (PWLB) Certainty Rate

3.3.1 The Certainty Rate was introduced by the PWLB in November 2012, allowing the authority to borrow at a reduction of 20bps on the Standard Rate.

#### Borrowing Activity in 2012/13

	Balance on 01/04/2012 £m	Debt Maturing £m	New Borrowing £m	Balance on 31/03/2013 £m	Average Rate %
CFR	538			593	
Short Term Borrowing	26	96	70	0	0
Long Term Borrowing	405	3	30	432	4.69
TOTAL BORROWING	431	99	100	432	4.69

3.3.2 The Council funded £30m of its capital expenditure through new long term borrowing. The PWLB remained the Council's preferred source of borrowing given the transparency and control that its facilities continue to provide. The average rate payable on the debt is 2.49% and average maturity is 18 years, though as the loan is repayable by Equal Instalments of Principal (EIP), the balance outstanding will fall steadily over the life of the loan.

3.3.3 Given the large differential between short and longer term interest rates, which is likely to remain a feature for some time in the future, as well as the pressure on Council finances, the debt management strategy sought to lower debt costs within an acceptable level of volatility (interest rate risk). Loans that offered the best value in the prevailing interest rate environment were PWLB medium-term EIP loans and temporary borrowing from the market. Use of these instruments also involves a level of repayment every year, which offers an element of flexibility in case the level of the borrowing requirement does not continue to rise, as has been the case in the past.

## Internal Borrowing

3.3.4 Given the significant cuts to local government funding putting pressure on Council finances, the strategy followed was to minimise debt interest payments without compromising the longer-term stability of the portfolio. The differential between the cost of new longer-term debt and the return generated on the Council's temporary investment returns was significant (between 2% - 3%). The use of internal resources in lieu of borrowing was judged to be the most cost effective means of funding £50m of capital expenditure. This has, for the time being, lowered overall treasury risk by reducing both external debt and temporary investments. Whilst this position is expected to continue in 2013/14, it will not be sustainable over the medium term. The Council expects it will need to borrow £120m for capital purposes by the end of 2015/16.

### Lender's Option Borrower's Option Loans (LOBOs)

3.3.5 No lenders have exercised their options to change the terms of LOBO loans during the year

3.3.6 The 2011 revision to the CIPFA Treasury Management Code now requires the prudential indicator relating to Maturity of Fixed Rate Borrowing to reference the maturity of LOBO loans to the earliest date on which the lender can require payment, i.e. the next call date. This change is reflected in Appendix 1, paragraph (c).

3.3.7 Changes in the debt portfolio have decreased the average life from 40 years to less than 39 years but have smoothed the maturity profile somewhat and introduced an element of flexibility in case the Council's need to borrow starts to decline in the future.

## 3.4 INVESTMENT ACTIVITY

3.4.1 The central government's Investment Guidance requires local authorities to focus on security and liquidity, rather than yield.

### Investment Activity in 2012/13

Investments	Balance on 01/04/2012 £m	Investments Made £m	Maturities/ redemptions £m	Balance on 31/03/2013 £m	Average Rate %
Short Term Investments	34	1,840	1,826	48	0.59
Investments in Pooled Funds	10	226	220	16	0.33
TOTAL INVESTMENTS	44	2,066	2,046	64	0.59

3.4.2 Security of capital remained the Council's main investment objective. This was maintained by following the Council's counterparty policy as set out in its



Treasury Management Strategy Statement for 2012/13. Investments during the year included:

- Deposits with other Local Authorities
- Investments in AAA-rated Money Market Funds
- Call accounts and deposits with UK Banks
- Deposits with the Debt Management Office

## Credit Risk

3.4.3 Counterparty credit quality was assessed and monitored with reference to credit ratings, credit default swaps, GDP of the country in which the institution operates and the country's net debt as a percentage of GDP, any potential support mechanisms and share price. The minimum long-term counterparty credit rating determined for the 2012/13 Treasury Management strategy was A+/A+/A1 across rating agencies Fitch, S&P and Moody's until the end of February. Following a review of the significance of credit ratings and their implications for risk, and with the advice of our advisors, Arlingclose, the Treasury Management Strategy Statement for 2013/14 revised the minimum ratings to A-/ A-/A3. This was done on the proviso that institutions which met these criteria would still be subject to more wide ranging considerations to ensure that Officers were comfortable with institutions included on the Lending List.

3.4.4 In June Moody's downgraded a range of banks with global capital market operations, including the UK banks on the Council's lending list - Barclays, HSBC, Royal Bank of Scotland/Natwest, Lloyds TSB Bank/Bank of Scotland and Santander UK plc - as well as several non UK banks. These ratings fell below the Council's minimum criteria at the time and were removed from the list. Following the review, they have been reinstated.

3.4.5 Counterparty credit quality has been maintained as demonstrated by the Credit Score Analysis summarised below. The table in Appendix 2 explains the credit score.

### Credit Score Analysis 2012/13

Date	Value Weighted Average Credit Risk Score	Value Weighted Average Credit Rating	Time Weighted Average Credit Risk Score	Time Weighted Average Credit Rating	Average Life (days)
31/03/2012	2.18	AA+	2.38	AA+	3
30/06/2012	1.99	AA+	1.75	AA+	87
30/09/2012	1.99	AA+	1.75	AA+	87
31/12/2012	2.59	AA	1.77	AA+	90
31/03/2013	4.40	AA-	4.43	AA-	233

## Liquidity

3.4.6 The Council maintained a sufficient level of liquidity through the use of Money Market Funds, call accounts and short term deposits.

## Yield

- 3.4.7 The Council sought to optimise returns commensurate with its objectives of security and liquidity. The UK Bank Rate was maintained at 0.5% throughout the year.
- 3.4.8 In response to uncertain and deteriorating credit conditions in Europe, the Council's Lending List was restricted and, for a time, a very narrow range of counterparties was used. With slightly improved credit conditions as winter went on, it was felt to be prudent to extend the list, though Eurozone and some other European banks are still not included, as conditions in the Eurozone are still not felt to be sufficiently predictable to make them acceptable risks.
- 3.4.9 The Council's budgeted investment income for the year had been estimated at £0.16m. The average cash balances representing cash available to the Council for the short term were £73m during the period and interest earned was £0.28m.

## Update on Investments with Icelandic Banks

- 3.4.10 In December 2011, the Courts determined that local authority deposits with Glitnir qualified for priority status, which means that the Council should recover 100% of its deposit. The decision was final and there is no further right of appeal. However the final recovery will be influenced by the exchange rate when the Icelandic krona becomes convertible. About £1m remains outstanding.
- 3.4.11 The liquidators of Heritable expect that at least 88% of the original deposits will eventually be recovered, though some commentators feel that this is a conservative estimate. Of the original £10m deposit the Council has now recovered £7.7m and a further £0.5m is expected in 2013/14.
- 3.4.12 CIPFA has issued recently further updated guidance on the accounting treatment of these deposits which is in line with the approach taken by the Council.

## Compliance

- 3.4.13 in compliance with the requirements of the CIPFA Code of Practice this report provides members with a summary report of the Treasury Management activity during 2012/13. None of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.
- 3.4.14 The Authority can confirm that during 2012/13 it complied with its Treasury Management Policy Statement and Treasury Management Practices.

## BACKGROUND INFORMATION

Arlingclose reports on Treasury Management.  
2012/13 Budget and Council Tax report – 27 February, 2012

**CONTACT OFFICERS**

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Mick Bowden  
Deputy Director of Finance  
and Corporate Services

## Appendix 1

### Prudential Indicator Compliance

#### (a) Authorised Limit and Operational Boundary for External Debt

The Local Government Act 2003 requires the Council to set an Affordable Borrowing Limit, irrespective of their indebted status. This is a statutory limit which should not be breached.

The Operational Boundary is based on the same estimates as the Authorised Limit but reflects the most likely, prudent but not worst case scenario without the additional headroom included within the Authorised Limit.

The Deputy Director of Finance confirms that there were no breaches to the Authorised Limit and the Operational Boundary during the year; borrowing at its peak was £455m.

	Operational Boundary (Approved) as at 31/03/2013 £m	Authorised Limit (Approved) as at 31/03/2013 £m	Actual External Debt as at 31/03/2013 £m
Borrowing	823	723	432

#### (b) Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure

These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates.

The upper limit for variable rate exposure allows for the use of variable rate debt to offset exposure to changes in short-term rates on our portfolio of investments.

	Approved Limits for 2012/13 %	Maximum during 2012/13 /%
Upper Limit for Fixed Rate Exposure	100	100
Compliance with Limits	Yes	Yes
Upper Limit for Variable Rate Exposure	40	16
Compliance with Limits	Yes	Yes

#### Maturity Structure of Fixed Rate Borrowing

This indicator is to limit large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates.

Maturity Structure of Fixed Rate Borrowing	Upper Limit %	Lower Limit %	Actual Borrowing as at 31/03/2013 £m	Actual Borrowing as at 31/03/2013 %	Compliance with Set Limits?
under 12 months	40	0	50	12	Yes
12 months and within 24 months	20	0	9	2	Yes
24 months and within 5 years	20	0	48	11	Yes
5 years and within 10 years	60	0	36	8	Yes
10 years and within 20 years	100	0	9	2	Yes
20 years and within 30 years	100	0	20	5	Yes
30 years and within 40 years	100	0	76	18	Yes
40 years and above	100	0	184	42	Yes
Total			432	100	

The 2011 revision to the CIPFA Treasury Management Code now requires the prudential indicator relating to Maturity of Fixed Rate Borrowing to reference the maturity of LOBO loans to the earliest date on which the lender can require payment, i.e. the next call date

#### Capital Expenditure

This indicator is set to ensure that the level of proposed capital expenditure remains within sustainable limits, and, in particular, to consider the impact on Council Tax and in the case of the HRA, housing rent levels.

Capital Expenditure	2012/13 Approved £m	2012/13 Actual £m	31/03/2014 Estimate £m	31/03/2015 Estimate £m
Non-HRA	185	124	85	107
HRA	13	11	17	10
Total	198	135	102	117

#### Ratio of Financing Costs to Net Revenue Stream

This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs.

The ratio is based on costs net of investment income.

Ratio of Financing Costs to Net Revenue Stream	2012/13 Approved %	2012/13 Actual %	31/03/2014 Estimate %	31/03/15 Estimate %
Non-HRA	9.63	8.47	8.83	10.25
HRA	22.18	21.17	20.34	15.85

#### Adoption of the CIPFA Treasury Management Code

This indicator demonstrates that the Authority adopted the principles of best practice.

Adoption of the CIPFA Code of Practice in Treasury Management
The Council approved the re-adoption of the CIPFA Treasury Management Code at its meeting on 27 February 2012

#### Upper Limit for Total Principal Sums Invested Over 364 Days

The purpose of this limit is to contain exposure to the possibility of loss that may arise as a result of the Authority having to seek early repayment of the sums invested.

Upper Limit for total principal sums invested over 364 days	2012/13 Approved £m	2012/13 Actual £m	31/03/2014 Estimate £000s	31/03/15 Estimate £000s
	20	0	0	0

#### HRA Limit on Indebtedness

	2012/13 Approved £m	2013/13 Actual £m	31/03/2014 Estimate £000s	31/03/15 Estimate £000s
HRA Debt Cap (as prescribed by CLG)	199	199	199	199
HRA CFR	137	137	137	137
Difference	62	62	62	62

## Appendix 2

### Credit Score Analysis


Long-Term Credit Rating	Score
AAA	1
AA+	2
AA	3
AA-	4
A+	5
A	6
A-	7
BBB+	8
BBB	9
BBB-	10
Not rated	11
BB	12
CCC	13
C	14
D	15

The value weighted average reflects the credit quality of investments according to the size of the deposit. The time weighted average reflects the credit quality of investments according to the maturity of the deposit

The Council aimed to achieve a score of 7 or lower, to reflect the Council's overriding priority of security of monies invested and the minimum credit rating of threshold of A- for investment counterparties.

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 <p><b>Brent</b></p>	<p><b>Executive</b> 15 July 2013</p> <p><b>Report from Assistant Director of Policy and Deputy Director of Finance</b></p>
<p>Wards Affected: ALL</p>	
<p><b>Performance and Finance Review, Quarter 4, 2012-13</b></p>	

## 1.0 Introduction

Brent's Borough Plan 'Brent our Future' is a four year strategy document which sets out the Administration's priorities over the coming years. These priorities form the core of our Corporate Planning Framework, which is broadly based around three overarching strategic objectives:

1. To create a sustainable built environment that drives economic regeneration and reduces poverty, inequality and exclusion.
2. To provide excellent public services which enable people to achieve their full potential, promote community cohesion and improve our quality of life.
3. To improve services for residents by working with our partners to deliver local priorities more effectively and achieve greater value for money from public resources.

The planned reduction in central government funding over the remaining years of the Government's current Spending Review and beyond continues to intensify pressure on Council services, and difficult economic conditions have directly affected levels of employment across the borough. The scale and pace of national policy changes, particularly in relation to Housing Benefits and the implementation of the new Universal Credit, is expected to fuel increased demand for services, which will have an enduring effect on the borough. However despite these challenges, the Council remains committed to preserving services and protecting the most vulnerable residents.

The purpose of this report is to provide Members with a corporate overview of Finance and Performance information to support informed decision-making and manage performance effectively.





## 2.0 Recommendations

The Executive is asked to:

- Note the Finance and Performance information contained in this report and agree remedial actions as necessary.
- Consider the current and future strategic risks associated with the information provided and agree remedial actions as appropriate.
- Challenge progress with responsible officers as necessary.
- Approve the use of Children & Families reserves as set out in 4.1.
- Note the write off of bad debts contained within the appendix to this report.

## 3.0 Executive Summary - Performance

There are currently 42% of indicators on target (green) or just below target (amber) and 19% are well below target (red). The rest are considered indicative only and therefore do not have a target set. Please note that indicators with no data returns against them are classed as high risk.

Overall Council Performance					
					Total
	Low	Med	High	IO	Total
Adult social care	2	0	4	6	12
Children and families	10	1	1	4	16
Environment & NS	4	1	6	2	13
Regeneration & MP	5	1	2	8	16
Central services	4	2	0	8	14
Total	25	5	13	28	71
Percentage	35	7	19	39	100

The performance section of the Performance and Finance Review report includes a benchmarking column which will provide information from the London Council's benchmarking club. Benchmarking will only be available for those indicators that other councils also wish to benchmark against. To ensure that the information relevant and meaningful it is drawn from the same quarter in the previous financial year. So for this quarter the information provided comes from Q4 2011/12.

### 3.1 Adult Social Services

The percentage of social care client receiving self-directed support is, at 50%, below the year to date target of 65% and below the 53.48% achieved in

2011/12 though Q4 did see a 10% improvement on Q3. Performance in relation to the timeliness of social care assessments for mental health clients is below target. The department has undertaken a review of Brent Mental Health services and the findings have been discussed by the Executive. The percentage of carers receiving a needs assessment or review and a carer's service has improved slightly since Q3 from 12% to 14% though this is still well below the 30% target. The department has recently participated in the Department of Health's Carers Survey and is using the feedback to make service improvements and improve the Carer's Hub. The number of delayed hospital discharges (social services) has shown a slight decline since Q3 from 13 to 15 though this is a big improvement on 2011/12 end of year figure of 33.

### **3.2 *Children and Families***

Quarter 4 shows a surplus of school places available in all key stages with all three indicators showing green. While the percentage of care leavers in employment, education and training is, at 63%, just below the target of 64% this represents an improvement on 54% recorded in Q3. The snapshot measure of the number of looked after children in Brent is unchanged since Q3 and is lower than the end of year number for 2011/12. The number of looked after children placed with in-house foster carers has improved since Q3, though still remains below target.

### **3.3 *Environment and Neighbourhood Services***

The time lag in producing figures for the volume of residual waste and percentage of household waste sent for recycling means that data is provided one quarter in arrears. The number of small flytips reported in Q4 remains above target and is a high risk while the number of large flytips reported remains below target and low risk. The number of inspections and investigation is below target and is red, however the number of enforcement actions taken remains above target. A new local indicator which reflects the number of active library users as a percentage of the population has been included, this shows a year to date total of 20.3% against a target of 21% and is medium risk.

### **3.4 *Regeneration and Major Projects***

The borough employment rate continues to show an upward trend, moving from 64.1% in Q3 to 65.9% in Q4, however this is offset by a persistently high JSA claimant count. The number of households in temporary accommodation has been increasing since Q1, though this is within the forecasted rise and is currently showing a low risk status. The current rent collection rate is slightly above target and is highlighted in the appendix as a low risk. The average number of days taken to re-let a property is below target, largely

unchanged since Q3 and a low risk. The pressure on employment and housing indicators, largely driven by a range of external factors, such as the overall economic conditions, look set to continue. While the delay in the introduction of the benefits cap was welcome it is due to start on 15<sup>th</sup> July in Brent. Actions to mitigate the impact of welfare reform include ensuring that those that are most impacted are supported into work and to make effective use of the flexibility provided by the housing reform.

### 3.5 **Central Services**

New indicators for violence with injury offenses and the number of motor vehicle crime offences have now been included to better reflect local priorities. The indicators that measure Council Tax collection rate and the time taken to process all Benefits claims are both currently amber.

### 3.6 **Complaints Summary**

The overall number of complaints increased slightly in comparison with Q3, however the number of first stage complaints received over the year has reduced by over 10% in comparison with 2011/12. The improvements in response rates achieved in Q3 were maintained in Q4 with an overall response rate of 74%. The improvement in response times within Adult Social Care continued with 52% of complaints answered on time. This represents an improvement of 15% on the previous quarter on Q3

## 4.0 **Executive Summary - FINANCE**

4.1 The Council's revenue budget position for quarter 4 is as follows:

Item	Budget £000	Outturn £000	Variance £000
Adult Social Services	91,028	90,921	(107)
Children & Families	46,253	46,232	(21)

Environment & Neighbourhood Services	34,096	34,507	411
Regeneration & Major Projects	33,510	33,315	(195)
Central Services	37,565	37,236	(329)
<b>Service Area Total</b>	<b>242,452</b>	<b>242,211</b>	<b>(241)</b>
Central Items	17,940	17,437	(503)
<b>Total Council Budget</b>	<b>260,392</b>	<b>259,668</b>	<b>(744)</b>

- The Council submitted a set of accounts for 2012/13 to our external auditors by the statutory deadline of 30 June 2013. The accounts show an improvement in outturn of £19k on the position reported in quarter 3 and included in the forecast outturn as part of the budget setting report to Council in February. The figures in the accounts are in draft form and subject to audit and the final accounts will be approved by the Audit Committee on 25 September 2013.
- Service area budgets underspent by £241k this is a net improvement of £906k from the quarter three forecast. The quarter three forecast position included a £1m transfer to earmarked reserves to help meet the additional cost pressures on the temporary accommodation budget in 2013/14 it has now been possible to increase this contribution to £1.7m due an improvement in Regeneration & Major Projects outturn position. This together with an under spend of £503k on central items and Government Grants gives an overall underspend of £744k which means the position on general fund balances at 31<sup>st</sup> March 2013 have improved from £12.041m reported in quarter 3 to £12.060m.
- Children & Families quarter 4 outturn shows an underspend of £21k an improvement of £71k on the quarter 3 overspend of £50k. During the final quarter of the financial year it was identified that significant costs relating to the previous year would need to be charged to 2012/13, causing a one-off spike in expenditure in the children's social care purchasing and placement budget above that already forecast. This increased the overspend in this area by £1.3m of which £0.8m is offset by additional income from traded services to schools and underspends on early years and the budget for cases where clients have no recourse to public funds. It is proposed that the residual balance be funded by the release of the Avenue School reserve (£108k – no longer required) and 2 year old funding (£397k – now funded from Dedicated Schools Grant). It should be noted that this has no ongoing impact on the budget for future years.
- Adult Social Services' outturn position for 2012/13 was an under spend of £107k. The department had two main financial pressures throughout the year to manage. The first related to the shortfall in funding for transitions over the last two financial years, a pressure of £1m and the department has worked continuously to reduce this with compensating underspends in other areas of the budget. The second related to the mental health service run by CNWL. The improvement in the financial position was achieved through transport savings within day centres and savings on homecare as well one off

measures including keeping posts vacant across various services and additional one off income from the PCT achieving a further improvement of £193k from the quarter 3 position.

- The outturn position for Environment and Neighbourhood Services is an overspend of £411k which is £57k better than quarter 3 forecast overspend of £468k. The tonnages on waste and recycling have increased to £1.229m since quarter 3 from the figure of 796k reported then and is mainly due to the higher than anticipated tonnages for residual waste to landfill. To meet the overspend £443k of balance sheet deposits and provisions no longer required have been written back and further savings across a number of services have also been achieved.
- The main pressure within Regeneration and Major Projects was envisaged at the start of the year to be the housing benefit scheme changes resulting from the introduction of the Local Housing Allowance caps in April 2011. Temporary Accommodation budget included growth of £1.134m in order to assist in managing the cost pressures and increased service demand. The pressures on the temporary accommodation and housing benefit budgets have not been as high as projected and the outturn position is a underspend of £1.195m in addition there have been under spending on Housing Needs of £625k. This has allowed the amount set aside in a reserve from the Regeneration & Major Projects outturn to increase from the £1m reported in quarter 3 to £1.7m, the reserve will help meet the additional temporary accommodation pressures in 2013/14 and future years. This leaves a reported outturn surplus of £195k.
- Central Services' outturn for quarter 4 has increased by £60k to a £329k underspend from the quarter 3 position of £269k underspend. This covers betterment in both in Strategy, Performance & Improvement and Finance & Corporate Services.
- The outturn position on central items is for an underspend of £503k. This includes an improvement of £2.2m in capital financing costs reflecting the lower than anticipated levels of borrowing and available interest rates. Consequently the Authority has been able to provide £1.9m for the impact of redundancy and restructuring costs on the the pension fund in future years. It has also allowed an additional provision for insurance of £1.2m to be made to meet the costs of historic cases handled by MMI.
- The position on forecast balances after quarter 4 is detailed below:

	£m
Balances Brought Forward 1 <sup>st</sup> April 2012	10.316
General Fund Contribution to Balances	1.000
2012/13 Underspend	0.744
Forecast Carried Forward 31 <sup>st</sup> March 2013	<b><u>12.060</u></b>

Overall including the in year underspend of £744k and the budgeted contribution of £1m to balances in 2012/13 the forecast balances at 31<sup>st</sup> March are now forecast to be £12.060m which is an improvement of £19k since quarter 3.

4.2 The Council's capital budget position for Quarter 4 is as follows:

Item	QTR 3 Revised Budget £000	Outturn £000	Variance £000
Adult Social Services	1,532	360	(1,172)
Children & Families	883	0	(883)
Environment & Neighbourhood Services	15,636	13,891	(1,744)
Regeneration & Major Projects	154,571	104,136	(50,435)
Housing – General Fund	6,845	5,245	(1,600)
Housing - HRA	12,523	10,875	(1,648)
Central Services	3,938	4,104	166
<b>Total Capital Programme</b>	<b>195,928</b>	<b>138,611</b>	<b>(57,317)</b>

The Council's quarter 4 outturn shows a decrease in 2012/13 capital expenditure of £57.317m from the Quarter 4 revised budget. Full details of the variances are shown in the attached Finance Appendix.

4.3 Under standing orders bad debt write offs of over £3,000 need to be reported to the Executive twice yearly. Details of National Non Domestic Rate, council tax and general write offs for the period October 2012 to March 2013 are included in a separate appendix to this report.

## 5.0 Financial implications

These are set out in the attached Performance and Finance Review quarter 4 appendix.

## 6.0 Legal implications

The capital programme is agreed by Full Council as part of the annual budget process. Changes to or departures from the budget during the year (other than those by Full Council) can only be agreed in accordance with the Scheme of Transfers and Virements contained in the Council's Constitution. Any decisions the Executive wishes to take and any changes in policy which

are not in accordance with the budget and are not covered by the Scheme of Transfers and Virements will need to be referred to Full Council.

The Deputy Director of Finance is satisfied that the criteria in the scheme are satisfied in respect of virements and spending proposals in this report.

## **7.0 Diversity implications**

This report has been subject to screening by officers and there are no direct diversity implications.

## **8.0 Contact officers**

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**CATHY TYSON**  
**Assistant Director of Policy**

**MICK BOWDEN**  
**Deputy Director of Finance**





**Brent**

**Performance & Finance  
Review**

# **Performance Report 2012-13 Quarter 4**

This report is designed to supplement the covering Performance & Finance Review report. It summarizes the Council's key performance indicators for the current reporting period.





**Produced by: Strategy, Partnerships & Improvement and  
Finance & Corporate Services**

# How to interpret this report





This report is designed to supplement the covering Performance & Finance Review report and includes a much wider suite of performance indicators. It summarizes performance information in relation to the Health & Wellbeing Strategy and other strategies which collectively enable the Council to deliver Brent's Borough Plan.

The indicators contained in this report are those which are considered essential at the current time, given the pressures which the Council faces, and are reported on a quarterly basis. The Council also has a suite of annual performance indicators which are reported on an annual basis.

**Performance information** is assessed using the following "Alert" symbols:

	If performance is below target.
	If performance is below the level of expected performance but is within tolerance of the target.
	If performance is as expected and the target has been met or exceeded.
	If performance cannot be fairly measured against a target because it is difficult to set a target or influence performance due to external factors then the indicator is marked as indicative only.

**Finance information** is assessed using the following symbols:

	If there is an overspend on the budget of more than £50k or more than 5% of the budget.
	If there is an overspend on the budget of up to £50k or less than 5% of the budget.
	If the budget is underspent or at breakeven. Or additionally, for capital budgets where increased expenditure is matched by an equivalent sum of additional funding. In these cases the capital programme remains in balance and no further action is required.
	If there has been slippage in the Capital Programme with expenditure being re-phased to future years.

The LAPS Benchmark figures– are the national average benchmark figures taken from LAPS for the same quarter the previous year.










# PUBLIC HEALTH

Reference	Performance Indicator	2011-12 End of Year	LAPS Bench-mark 2011-12 Q4	2012-13 Year to date	2012-13 Current Target	Alert	Definition
Local via the PCT	Number of hospital admissions for over 65s.		-				Cumulative. Measures the number of people aged 65 and over who are admitted to hospital.
NI 40 via the PCT	Number of drug users recorded as being in effective treatment.	1245	-	1236 (Q3)			Cumulative on a 12 month rolling programme. Measures the number of drug users recorded as being in effective treatment after triage.
Local via the PCT	Tuberculosis Treatment completion rates, (percentage of cases).	87.4	-	85.1%	85%		In arrears. Rolling year Jan-Sept 2011. Measures the number of people who, having been diagnosed with TB complete treatment programmes.
NI 121 via the PCT	Mortality rate from all circulatory diseases at ages under 75.		-	76.5 (2010)			In arrears for 2010. Measures mortality rates from all circulatory diseases per 100,000 per calendar year.
NI 112 via the PCT	Under 18 conception rates.		-18.4 (8 returns)	36.2 (Q2 2010)			Q4 2010 actual. Delayed reporting 12 months in arrears. Data supplied by PCT.

## Comments

- Please Note: All of the above are the current available figures










# ADULT SOCIAL CARE








Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q4	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
NI 125	Percentage of over 65s who are still at home after 91 days following discharge.	89%	-	96%	90%		Measures the percentage of over 65s who are still at home after 91 days following hospital discharge into the Council's re-ablement services.
NI 130	Social Care clients receiving self-directed support.	53.48%	47.9%	50.0%	65.0%		Cumulative. Measures the percentage of clients receiving self-directed support per 100,000 of population.
NI 132	Timeliness of Social Care assessments: (Mental Health Only).	75.51%	-	54%	70%		Cumulative. Measures the percentage of adult assessments completed within 4 weeks
NI 133	Timeliness of Social Care packages following assessment. (Mental Health Only).	100%	-	100%	95%		Cumulative. Measures the percentage social care packages put in place within the recommended timelines following assessment.
NI 135	Percentage of carers receiving needs assessment or review and a carer's service.	29%	31.1%	14%	30%		Cumulative. Measures the percentage of carers receiving needs assessment or review and a specific carer's service, or advice and information.
Local	Quarterly number of delayed hospital discharges (Social Services).	33	-	15	6		Measures the quarterly number of delayed discharges from hospitals.
Local	Number of clients living in the community and receiving a service.	4852	-	4975	Indicative only		Measures the number of clients who are currently living independently in the community.
Local	Number of clients in nursing and residential care.	1019	-	985	Indicative only		Latest. Gives a snapshot of social care clients in nursing and residential care in the borough.
Local	Number of clients in residential care who suffer from dementia	152	-	310	Indicative only		Latest. Gives a snapshot of the number of residential care clients who also have dementia.

Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q4	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
Local	Number of adult contacts who were eligible after Fair Access to Care screening.	3028	-	2674	Indicative only	●	Cumulative. Measures the total number of clients who were eligible to receive re-ablement or long-term services after assessment.
Local CMP10	Total number of complaints received (stage 1).	95	-	101	Indicative only	●	Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	3	-	1	Indicative only	●	Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

Comments	
<ul style="list-style-type: none"> <li>NI130 – Quarters 1-3 figures revised as did not include MH data.</li> <li>NI132 - the number of assessments completed within 28 days has increased slightly for this quarter but is still off target due to missed/cancelled appointments.</li> <li>NI135 – Carers assessments are cumulative through the year. Quarters 1-2 figure was revised to include additional mental health data.</li> <li>Number of clients in Residential Care who suffer from dementia - The figures have been revised for Q1, Q2 and Q3. This does not include extra care for dementia.</li> </ul>	

# CHILDREN & FAMILIES













Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q4	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
NI 114	Rate of permanent exclusions.	0.60	0.1	0.50	1.0		Measures the annual rate of exclusions from Brent-maintained schools per 1000 pupils.
Local	Net shortfall of places at Key Stage 1	-439	-	7	0		Measures the number of unplaced pupils in Reception, Year 1 and Year 2 compared to the number of vacancies for 4-6 year olds. <b>Negative = shortfall, positive = surplus.</b>
Local	Net shortfall of places at Key Stage 2	57	-	195	0		Measures the number of unplaced pupils in Years 3,4,5,6 compared to the number of vacancies for 7-10 year olds. <b>Negative = shortfall, positive = surplus.</b>
Local	Net shortfall of places at Key Stage 3	388	-	580	0		Measures the number of unplaced pupils in Years 7,8,9,10,11 compared to the number of vacancies for 11-16 year olds. <b>Negative = shortfall, positive = surplus.</b>
NI 117	Percentage of 16 to 18 year old NEETs	3.9%	4.9%	2.4%	5%		Measures the percentage of 16 to 18 year olds who are not in Education, Employment or Training.
NI 148	Percentage of care leavers in employment, education or training	64%	59.7%	63%	64%		Measures the percentage of care leavers who are in Education, Employment or Training.
Local	Percentage of parents completing evidence based parenting programmes	31%	-	63%	50%		Measures the percentage of teenage mothers registered with Brent children's centres. Demand led = target represents the London Average.
Local	Proportion of child referrals to social care, which are repeat referrals.	17%	-	13%	17.2%		Measures the percentage of children within the social care service which are repeat referrals.
Local	Number of under 18 year olds subject to a child protection plan.	173	-	171	N/A		Indicative only: target for monitoring. Measures the number of under-18 year olds who have a child protection plan in place.

Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q4	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
NI 062	Stability of placements for looked after children (LACs): number of moves.	14.2%	11.3%	12.7%	13%		Cumulative: Measures the rate of looked after children (as part of Brent LAC total) who have had 3 or more different placements.
NI 062 d	Number of looked after children in Brent.	371	-	346	Indicative only		Snapshot: Measures the number of looked after children in Brent.
Local	Number of looked after children placed with Independent Fostering Agencies.	101	-	90	100		Measures the number of looked after children placed with independent fostering agencies.
Local	Number of looked after children placed with in-house foster carers.	113	-	125	127		Measures the number of looked after children placed with local foster carers in Brent.
NI 019	Rate of proven re-offending by young offenders in Brent.	35%	-3.6%	37%	37%		Measures the percentage of young offenders who go on to re-offend.
Local CMP10	Total number of complaints received (stage 1).	181	-	167	Indicative only		Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	13	-	6	Indicative only		Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

#### Comments

- NI 114 - This figure is provisional as returns have not been confirmed with DfE. This usually happens mid-month.
- NI 117 (NEETs) - The NEET target is measured as an average over the 3 months November to January each year. In 2011 2012 Brent was the joint 10th best performing LA nationally on this indicator. Although the performance for November 2012 to January 2013 will not be known until mid February 2013, we are currently on track to meet the target.
- Parenting programme data based on:- 4 programmes ending in Q1 2012/13, 5 programmes ending in Q2 2012/13, 3 programmes ending in Q3 2012/13, 2 programmes ending in Q4 2012/13 In total 141 parents, 89 completing.

# ENVIRONMENT & NEIGHBOURHOOD SERVICES










Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q4	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
NI 191	Volume of residual waste kg per household.	557	435.6 (Q3)	354.2 (Q3)	328.5 (Q3)		Cumulative. Measures household waste that is not re-used, recycled or composted.
NI 192	Percentage of household waste sent for recycling.	37%	35.0% (Q3)	43.9% (Q3)	47% (Q3)		Measures the percentage of household waste re-used, recycled or composted.
Local	Tonnes of waste sent to landfill.	73,524	-	51,831 (Q3)	42,646 (Q3)		Measures the volume of waste sent to landfill sites.
Local	Number of small reported flytips	2106	-	2203	2100		Latest. Measures the number of small fly tipping incidents reported
Local	Number of large reported flytips	5046	-	4591	5000		Latest. Measures the number of large fly tipping incidents reported
Local	Flytipping Enforcement: No of Inspections and Investigations	4337	-	1560	3800		Latest. Measures the number of inspections and investigations relating to fly tipping incidents
Local	Flytipping Enforcement: No of Enforcement Actions Taken	614	-	219	150		Latest. Measures the number of enforcement actions taken relating to fly tipping incidents
Local	Number of library visits per 1000 population.	5873	-	4814	5604		Cumulative. Measures the number of visits to Brent libraries.
Local	Active library users as a percentage of population.	15.6%	-	20.3%	21.0%		Measures the proportion of people to borrow books from the libraries.
Local	Number of visits to Brent Sports Centres to partake in sports activity	1.24m	-	1.27m	1.27m		Cumulative. Measures the number of adults to visit sports centres to actively partake in sport.
NI 195a	Percentage of Streets below standard for litter.	15.3%	7.1%	12.5%	15%		Measures the percentage of streets which fail to meet environmental cleanliness standards. Per 4 month tranche.
Local CMP10	Total number of complaints received (stage 1).	410	-	501	Indicative only		Cumulative. Measures the number of new complaints relating to each service area at the first stage.










Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q4	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
Local CMP11	Total number of complaints escalated to stage 2.	36	-	22	Indicative only	●	Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

Comments
<ul style="list-style-type: none"> <li>NI 191, NI 192 and Tonnes of Waste Land Filled: reported a quarter in arrears</li> <li>Active library borrowers indicator has been replaced with active library users as this is more reflective of the way libraries are now being used, online etc. The target for active library users will be revised at the start of the new financial year to reflect the increase in population in Brent as per the 2011 census.</li> <li>Complaints: The highest areas for complaints were Parking (29%) and Refuse (16%).</li> </ul>











# REGENERATION & MAJOR PROJECTS

Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q4	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
NI 154	Net additional homes provided	559	650.8 (9 returns excl.. Brent)	Annual - end of July	915		Cumulative: Measures the number of additional homes provided
NI 157a	Percentage of major Planning applications processed within 13 weeks.	41%	38.4%	33.0%	70%		Measures the efficiency of the Planning applications process.
NI 157b	Percentage of minor Planning applications processed within 8 weeks.	67%	65.6%	80%	80%		Measures the efficiency of the Planning applications process.
NI 157c	Percentage of other Planning applications processed within 8 weeks.	81%	79.6%	84%	90%		Measures the efficiency of the Planning applications process.
Local	Percentage of working age residents in employment	64.2%	68.0%	65.9%	Indicative only		Measures the percentage of eligible age residents who are currently employed.
Local	Gap between Brent and London for working age people on out of work benefits.	3.45%	-	0.7%	Indicative only		Measures how Brent's cohort of working age people on out of work benefits compares to the London average figures.
NI 156	Number of households living in Temporary Accommodation.	3176	1191.2	3249	3600		Cumulative. Measures the number of households in temporary accommodation provided under Homelessness legislation.
Local	Percentage of residents with no qualifications	-4.8%	-	1.9%	Indicative only		Latest. Measures the percentage gap between Brent and London average. Minus figure reflects higher than average.
Local	Percentage of empty commercial properties in the borough	14.99%	-	12.64%	Indicative only		Latest. Percentage of total commercial properties which remain unoccupied.

Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q4	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
Local	Current rent collection rate as a percentage of total rent due (excl. arrears)	99.1%	-	98.7%	98%		Latest. Percentage of rent collected by the Council as a proportion owed by Housing Revenue Account dwellings.
Local	Average days taken to re-let Council properties	27	-	19.4	20		Measures the average number of days taken to re-let Council properties.
Local	Percentage of repairs completed on the first visit.	95%	-	97.25%	95%		Measures the efficiency of the Housing Repairs system.
Local CMP10	Total number of complaints received (Local Resolution).	281	-	275	Indicative only		Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of final review complaints received	47	-	38	Indicative only		Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.
<b>Brent Housing Partnership (BHP)</b>							
Local CMP10	Total number of complaints received (stage 1).	540	-	428	Indicative only		Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	74	-	43	Indicative only		Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

Comments
<ul style="list-style-type: none"> <li>NI 154 - Data Not Returned for the end of year period</li> <li>The percentage gap between Brent and London for working age people on out of work benefits, has decreased this quarter 3.7 to 0.7%, which is very positive.</li> <li>NI 156 - We have seen a small increase in the use of temporary accommodation which was 3220 at the end of Q3 2012/13 but this has remained relatively stable during this quarter. This is impacted by the number of homeless approaches which result in the Council accepting a statutory homelessness duty. We are expecting an increase in temporary accommodation outside of Brent due to the implementation of the overall benefit cap in 2013/14.</li> <li>Current rent collection rate as a percentage of total rent due (excl. arrears) While rent collection performance remains high for BHP, this is an area to monitor particularly in relation to the introduction of Universal Credit later in the year</li> </ul>



# CENTRAL SERVICES

Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q4	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
Local	Violence with Injury Offences	2662	-	2294	2529		Measures the cumulative number of violence with injury offences.
Local	Number of Motor vehicle Crime Offences.	3322	-	2801	3056		Measures the number of motor vehicle crime offences (of and from) recorded by the police.
Local	Number of Personal Robberies: cumulative rolling financial year	5758	-	1370	1866		Cumulative. Measures the number of personal robberies
Local	Number of Residential Burglaries: cumulative	7663	-	2799	2879		Cumulative. Measures the number of residential burglaries
NI 181	Time taken to process all Benefit claims.	8.19	-	8.47	8.00		Measures the average number of days taken to process Housing Benefit/Council Tax Benefit claims and change events.
Local	Council Tax collection rates.	96.02%	96.0%	95.88%	96.20% (Annual)		Cumulative. Percentage. Measures Council Tax collected as an amount against the net debit raised at the start of the financial year.
NI 185	Volume of CO2 emissions from council main buildings.	2.76m	-	2.81	Indicative only		Cumulative. Measures the amount of CO2 emissions in tonnes from Mahatma Gandhi House, Brent House and Town Hall.
Local	Average number of working days lost due to sickness absence.	5.34	7.7	0.85	Indicative only		Measures the average number of days lost across the Council due to sickness absence.
Complaints: Strategy Partnerships and Improvement							
Local CMP10	Total number of complaints received (stage 1).	0	-	0	Indicative only		Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	0	-	0	Indicative only		Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q4	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
Complaints: Customer and Community Engagement							
Local CMP10	Total number of complaints received (stage 1).	37	-	10	Indicative only	●	Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	0	-	0	Indicative only	●	Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.
Complaints: Finance and Corporate Services							
Local CMP10	Total number of complaints received (stage 1).	221	-	106	Indicative only	●	Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	16	-	6	Indicative only	●	Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

Comments	
<ul style="list-style-type: none"> <li>Crimes can be de-classified during further investigations throughout the year, this can result in minor changes to previous quarter figures. The changes for the above returns are as follows: <ul style="list-style-type: none"> <li>Personal Robbery quarter 3 return changing from 1115 to 1112 (reduced by 3 offences)</li> <li>Residential burglary quarter 3 return changing from 2012 to 2019 (increased by 7 offences)</li> </ul> </li> <li>Nationality's (part of Customer and Community Engagement) complaints are not currently being recorded as part of the Council's complaints procedure.</li> </ul>	

# One Council Programme Quarterly Snapshot Position

PROJECT NAME	PROJECT SPONSOR	PROJECT STAGE	RAG STATUS
<b>Projects in Delivery and Reporting into the OC Programme (12)</b>			
1. Digital Post Room	Margaret Read	Delivery	
2. Customer & Visitor Management (CC Operations)	Margaret Read	Delivery	
3. Civic Centre (including Move to the Civic Centre)	Andy Donald	Delivery	
4. Brent One Oracle (formerly called Project Athena: E-business suite)	Andy Donald	Delivery	
5. Realigning Corporate and Business Support	Fiona Ledden	Delivery	
6. Special Educational Needs (SEN) Review: Phase 2	Sara Williams	Delivery	
7. Promoting Pupil Inclusion	Sara Williams	Delivery	
8. Parking Enforcement Review	Michael Read	Delivery	
9. Managing the Public Realm	Jenny Isaac	Delivery	
10. Improving Waste Management	Jenny Isaac	Delivery	
11. Supporting People Phase 1	Steven Forbes	Delivery	
12. Working with Families Phase 2	Fiona Ledden	Delivery	
<b>Other Projects (not reporting directly into the OC Programme) (5)</b>			
1. Review of Employee Benefits	Fiona Ledden	Awaiting closure	N/a
2. Services for Young People (Phase 1)	Cathy Tyson	Delivery – PSR not required	N/a
3. Review of School Improvement Service	Sara Williams	Delivery- PSR not required	N/a
4. Libraries Transformation	Jenny Isaac	Awaiting closure	N/a
5. Highways	Jenny Isaac	Awaiting closure	N/a
<b>Planned Projects (at the pre-Delivery stage) (4)</b>			
1. Senior Management Restructure	Christine Gilbert	Pre-delivery	N/a
2. ASC – Mutual	Phil Porter	Pre-delivery	N/a
3. ASC Mental Health Review	Phil Porter	Pre-delivery	N/a
4. Integrating Health and Social Care	Phil Porter	Pre-delivery (6mths +)	N/a
<b>Completed Projects (20)</b>			
1. Finance Modernisation Project	Clive Heaphy	Closed	N/a - closed
2. Income Maximisation	Clive Heaphy	Closed	N/a - closed
3. Staffing & Structure Review Wave 1	Gareth Daniel	Closed	N/a - closed
4. Staffing & Structure Review Wave 2	Gareth Daniel	Closed	N/a - closed
5. Temporary Labour Project	Fiona Ledden	Closed	N/a - closed
6. Strategic Procurement Review	Fiona Ledden	Closed	N/a - closed
7. Future Customer Service	Toni McConville	Closed	N/a - closed
8. Procurement (Training and Practice / E-Procurement / Additional Operational Savings from Procurement Activities)	Fiona Ledden	Closed	N/a - closed
9. Web Enhancement	Toni McConville	Closed	N/a - closed















PROJECT NAME	PROJECT SPONSOR	PROJECT STAGE	RAG STATUS
10. Transitions into Adult Life	Alison Elliott	Closed	N/a - closed
11. SEN Review Phase 1	Krutika Pau	Closed	N/a - closed
12. Children's Social Care Transformation	Krutika Pau	Closed	N/a - closed
13. Children with Disabilities	Graham Genoni	Closed	N/a - closed
14. Waste & Street Cleansing Review	Sue Harper	Closed	N/a - closed
15. Adult Social Care: Customer Journey	Alison Elliott	Closed	N/a - closed
16. Adult Social Care Commissioning	Alison Elliott	Closed	N/a - closed
17. Adult Social Care - Direct Services (Learning Disabilities)	Alison Elliott	Closed	N/a - closed
18. Housing Needs Transformation	Andy Donald	Closed	N/a - closed
19. Working with Families Phase1	Phil Newby	Closed	N/a - closed
20. Developing a Model for Public Health in Brent	Phil Newby	Closed	N/a - closed



**Performance and Finance Review**


# **Finance Report**



# ADULT SOCIAL SERVICES

Budget: GENERAL FUND					
Adult Social Services					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Out-turn £000,	2012/13 (Under)/Over Spend £000,	Alert
<b><u>Operational</u></b>					
Directorate	1,743	6,243	6,121	(122)	
Voluntary Sector	1,344	0	(37)	(37)	
Reablement & Safeguarding	3,011	3,526	3,142	(383)	
Support Planning & Review	3,450	3,884	3,632	(252)	
Day Centres	6,946	5,539	5,385	(154)	
Client Services	14,557	15,317	15,206	(111)	
<b>Total Operational</b>	<b>31,051</b>	<b>34,509</b>	<b>33,449</b>	<b>(1,060)</b>	
<b><u>Purchasing</u></b>					
Older People's Services	23,833	21,669	21,733	64	
Learning & Disability	18,487	15,227	15,217	(10)	
Mental Health	7,351	6,929	7,603	674	
Physical Disability	8,223	7,181	6,816	(365)	
Transitions	0	5,513	6,103	590	
<b>Total Purchasing</b>	<b>57,894</b>	<b>56,519</b>	<b>57,472</b>	<b>953</b>	
<b>Total</b>	<b>88,945</b>	<b>91,028</b>	<b>90,921</b>	<b>(107)</b>	

Budget: CAPITAL					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Out-turn £000,	2012/13 (Under)/Over Spend £000,	Alert
Adults: Individual schemes	0	0	0	0	
Ring-fenced grant notifications for adult care	300	1,532	360	(1,172)	

<b>Total</b>	<b>300</b>	<b>1,532</b>	<b>360</b>	<b>(1,172)</b>	
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## Key Financial Risks

### **Adult Social Services Revenue**






The departmental outturn as improved by £193k from a quarter 3 overspend of £86k to an underspend of £107k. The department has worked hard to reduce spending across a number of services. The main financial pressure in 2012/13 related to the shortfall in funding for transitions over the last two financial years, a pressure of £1m and the department has worked continuously to reduce this. In addition pressures on the mental health purchasing budget have also emerged over the year within the residential care and supported living budgets due to cost shunting from the PCT and slippage in the planned savings. To meet these pressures a number of mainly one-off compensating savings have been achieved in other areas of the budget such as:



- Keeping vacancies unfilled and not recruiting agency staff.
- On off top slicing of grants to voluntary organisations in relation to care services and HIV/Aids services.
- Agreement to capitalise the cost of occupational therapists to the Disability Facilitates Grant.
- Secretary of State ruling on Ordinary Residency of clients - relating to other local authorities backdating funding of placements.
- Brent PCT agreeing to fund the memory clinic staffing costs from the Joint Investment Fund in 12/13.
- Brent PCT agreeing to fund the rent and service charges of Health staff that were based at MG House in 11/12.
- Brent PCT funding additional Continuing Health Care recharges in 12/13.
- Transport savings on day centre routes.
- Physical Disabilities – homecare clients transferring to other forms of provisions

### **Adult Social Services Capital**

- Underspend of £1,172k will be re-phased to 2013-14

# CHILDREN & FAMILIES

Budget: GENERAL FUND					
Children and Families					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Out-turn £000,	2012/13 (Under)/Over Spend £000,	Alert
Achievement & Inclusion	46,718	47,877	46,733	(1,144)	
Social Care	37,550	32,948	34,729	1,781	
Central Support & Other	1,734	1,181	523	(658)	
Schools and Dedicated School Grants	(32,887)	(35,753)	(35,753)	0	
<b>Total</b>	<b>53,115</b>	<b>46,253</b>	<b>46,232</b>	<b>(21)</b>	

Budget: CAPITAL					
Unit	2011/12 Out-turn £000,	2012/13 Proposed Budget £000,	2012/13 Forecast £000,	2012/13 (Under)/Over Spend £000,	Alert
Increasing nursery provision	0	883	0	(883)	
<b>Total</b>	<b>0</b>	<b>883</b>	<b>0</b>	<b>(883)</b>	

## Key Financial Risks

### Children and Families Revenue

The outturn for Children & Families is an underspend of £21k an improvement of £71k on the overspend over spend of £50k reported in quarter 3. The main budgetary concern throughout the year has been the pressures on the children's social care purchasing and placement budget which ended with an overspend of over £2m. The following areas of under spending have been used to balance this spend

- Following a successful legal challenge by a number of local authorities on the basis of how monies were being deducted for academy funding for LACSEG as part of the local government finance settlement the authority received £500k compensation.
- Lower than expected redundancy costs following the review of Early Years has resulted in £200k of additional savings.
- Savings from Transport and Business Support are both contributing £150k of savings each.

### Key Financial Risks

- Use of reserves

The schools budget is currently forecasting an underspend of £1.074m an improvement of £1.256m on the quarter 3 overspend of £182k. There are two main elements of overspending

- £1.286m overspend in SEN mainly in out of borough Mainstream & Independent Day Special pupils.
- Pupils without school places has an overspend of £949k with a significant increase since August because of the new September 2012 intake of pupils.





These overspends are offset by











- £1.4m from the schools budget headroom which was approved as part of the schools budget deficit recovery plan.
- The DSG recoupment costs for schools converting to academies was less than expected.
- Overall spend on early years was £430k less than forecast in quarter 3
- Use of reserves

### **Children and Families Capital**

- Underspend of £883k will be re-phased to 2013-14

# ENVIRONMENT AND NEIGHBOURHOOD SERVICES

Budget: GENERAL FUND					
Environment and Neighbourhood Services					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Out-turn £000,	2012/13 (Under)/Over Spend £000,	Alert
Directorate	844	947	840	(107)	
Neighbourhood Services	9,172	9,129	8,803	(326)	
Environment & Protection	26,632	24,020	24,864	844	
<b>Total</b>	<b>36,648</b>	<b>34,096</b>	<b>34,507</b>	<b>411</b>	

Budget: CAPITAL					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Out-turn £000,	2012/13 (Under)/Over Spend £000,	Alert
TfL grant funded schemes	4,179	4,222	4,445	223	
Civic Centre CCTV	0	600	320	(280)	
Leisure & Sports schemes	643	1,247	900	(347)	
Environmental Initiative schemes	3,389	2	7	(5)	
Public Realm	0	4,347	4,347	0	
Highways schemes	5,674	4,205	3,099	(1,106)	
Parks & Cemeteries schemes	483	912	820	(92)	
Library schemes	0	100	0	(100)	
S106 works	0	0	0	0	
<b>Total Environment &amp; Neighbourhoods Capital Programme</b>	<b>14,368</b>	<b>15,635</b>	<b>13,891</b>	<b>(1,744)</b>	

## Key Financial Risks















### **Environment and Neighbourhood Services Revenue**




The outturn position for Environment and Neighbourhood Services is an overspend of £411k which is £57k better than quarter 3 forecast overspend of £468k. The tonnages on waste and recycling have increased to £1.229m since quarter 3 from the figure of 796k reported then and is mainly due to the higher than anticipated tonnages for residual waste to landfill. To meet the overspend £443k of balance sheet deposits and provisions no longer required have been written back and further savings across a number of services have also been achieved.

### **Environment and Neighbourhood Services Capital**





- Overspend of £223k on the TfL grant funded schemes is matched by additional grant income from TfL
- Net underspend on other projects will be re-phased to 2013-14

# REGENERATION & MAJOR PROJECTS









Budget: GENERAL FUND					
Housing					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Out-turn £000,	2012/13 (Under)/Over Spend £000,	Alert
Housing Benefit Deficit	710	500	491	(9)	
Housing Needs	8,514	7,748	7,622	(126)	
Private Housing Services	710	727	727	0	
Supporting People	10,383	9,953	9,745	(208)	
Affordable housing PFI		1,288	1,288	0	
Other Housing Services	604	295	(28)	(323)	
<b>Total</b>	<b>20,921</b>	<b>20,511</b>	<b>19,845</b>	<b>(666)</b>	
Non Housing					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Out-turn £000,	2012/13 (Under)/Over Spend £000,	Alert
Civic Centre & Major Projects	436	1,607	2,346	739	
Directorate & Business Support	516	780	561	(219)	
Planning & Building Control	1,330	1,025	1,036	11	
Policy & Regeneration	126	478	418	(60)	
Property & Asset Management	9,778	9,109	9,109	0	
<b>Total</b>	<b>12,186</b>	<b>12,999</b>	<b>13,470</b>	<b>471</b>	
<b>Total Regeneration and Major Projects</b>	<b>33,107</b>	<b>33,510</b>	<b>33,315</b>	<b>(195)</b>	

Budget: CAPITAL					
Housing	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Out-turn £000,	2012/13 (Under)/Over Spend £000,	Alert
PSRSG & DFG Council	4,169	6,030	4,769	(1,261)	
HCA Empty Home programme	0	288	0	(288)	
New units	0	0		0	



### Budget: CAPITAL

Housing	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Out-turn £000,	2012/13 (Under)/Over Spend £000,	Alert
Housing: Individual schemes	115	527	476	(51)	
Right to buy administration costs	34	0	0	0	
<b>Total Housing Capital Programme</b>	<b>4,318</b>	<b>6,845</b>	<b>5,245</b>	<b>(1,600)</b>	
<b>Total Housing Revenue Account Capital Programme</b>	<b>10,835</b>	<b>12,523</b>	<b>10,875</b>	<b>(1,648)</b>	












### Budget: CAPITAL

Regeneration & Major Projects	2011/12 Out-turn £000,	2012/13 Proposed Budget £000,	2012/13 Outturn £000,	2012/13 (Under)/Over Spend £000,	Alert
Civic Centre	34,042	56,033	48,534	(7,499)	
Children & Families	47,139	59,733	36,542	(23,191)	
Culture	(57)	0	0	0	
Adults & Social Care	0	0	0	0	
Housing	0	0	0	0	
Strategy, Partnership and Improvement	8,935	25,127	16,610	(8,517)	
S106 Works	0	13,678	2,450	(11,228)	
<b>Total Regeneration and Major Projects Capital Programme</b>	<b>90,059</b>	<b>154,571</b>	<b>104,136</b>	<b>(50,435)</b>	

### Budget

Housing Revenue Account (HRA)	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Out-turn £000,	2012/13 (Under)/Over Spend £000,	Alert
Rent and Rates	1,459	1,573	1,317	(256)	
Capital Financing	19,946	11,402	10,693	(709)	



Depreciation (MRA)	8,078	13,261	13,261	0	
General/Special Management/Services	15,005	17,376	17,026	(350)	
Housing Repairs	11,018	11,731	12,872	1,141	
Provision for Bad Debts	736	658	515	(143)	
HRA Subsidy	(8,000)	0	0	0	
Rent & Service Charge Income	(47,498)	(52,868)	(53,187)	(319)	
Other Income	(641)	(947)	(726)	221	
Transfer to/(from) Reserves	(676)	(1,890)	(2,090)	(200)	
<b>Total</b>	<b>(573)</b>	<b>296</b>	<b>(319)</b>	<b>(615)</b>	
Balances b/fwd	(1,695)	(2,268)	(2,268)	0	
Surplus c/fwd	<b>(2,268)</b>	<b>(1,972)</b>	<b>(2,587)</b>	<b>(615)</b>	

### Key Financial Risks

#### Regeneration and Major Projects Revenue

Regeneration and Major Projects outturn position is for an underspend of £195k after allowing for a £1.7m contribution to the temporary accommodation reserve.

The main pressure within Regeneration and Major Projects was envisaged at the start of the year to be the housing benefit scheme changes resulting from the introduction of the Local Housing Allowance caps in April 2011. Temporary Accommodation budget included growth of £1.134m in order to assist in managing the cost pressures and increased service demand. The pressures on the temporary accommodation and housing benefit budgets have been not as high as projected and the outturn position is a underspend of £1.195m in addition there has been under spending on Housing Needs of £625k. This has allowed the amount set aside in a reserve from the Regeneration & Major Projects outturn to increase from the £1m reported in quarter 3 to £1.7m, the reserve will help meet the additional temporary accommodation pressures in 2013/14 and future years. Other significant variances in the budget include

Care Support, Travellers Site and other miscellaneous	(308)
Supporting People - reduced contract costs	(208)
Directorate & Business Support - reduced staffing and operational costs	(219)
Civic Centre & Major Projects - shortfall in Town Hall Income	238

### Key Financial Risks

Civic Centre & Major Projects - underspend on employment facilities budget	(330)
Civic Centre & Major Projects - Contribution to reserves	822

#### **Housing Revenue Account (HRA) Revenue**

The HRA outturn is for an underspend of £319k which increases the balances carried forward from £2.268m to £2.587m.







#### **Regeneration and Major Projects Capital**







- Net underspend on projects will be re-phased to 2013-14

#### **Housing Capital**

- Housing capital expenditure includes additional spend on compulsory purchase orders to support Barham Park regeneration, this expenditure is being funded by the Housing Association, at no net cost to the council.
- Net underspends will be re-phased to 2013-14

# CENTRAL SERVICES

Budget: GENERAL FUND					
Central Services					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Out-turn £000,	2012/13 (Under)/Over Spend £000,	Alert
Chief Executive's Office	487	481	481	0	
Customer & Community Engagement	3,577	3,777	3,739	(38)	
Legal and Procurement	1,245	5,025	5,286	261	
Finance & Corporate Services	21,150	21,984	21,732	(252)	
Strategy, Partnerships and Improvement	4,554	6,298	5,998	(300)	
<b>Total</b>	<b>31,013</b>	<b>37,565</b>	<b>37,236</b>	<b>(329)</b>	

Budget: CAPITAL					
Unit	2011/12 Out-turn £000,	2012/13 Proposed Budget £000,	2012/13 Out-turn £000,	2012/13 (Under)/Over Spend £000,	Alert
ICT schemes	1,780	1,619	2,497	878	
Property schemes	0	0	0	0	
Strategy, Partnerships and Improvement Schemes	0	0	0	0	
Central Items	2,765	2,319	1,607	(712)	
S106 works	0	0	0	0	
<b>Total Corporate Capital Programme</b>	<b>4,545</b>	<b>3,938</b>	<b>4,104</b>	<b>166</b>	

## Key Financial Risks

### Central Services Revenue

Central Services' outturn for quarter 4 has increased by £60k to a £329k underspend from the quarter 3 position of £269k underspend. This covers betterment in both in Strategy, Performance & Improvement and Finance & Corporate Services.

## Key Financial Risks

### **Central Services Capital**

- IT has made a £244k revenue contribution to capital to fund additional expenditure on IT. The remainder was funded by prudential borrowing.

# SUMMARY

Overall Summary						
		Original Budget £000,	Latest Budget £000,	Out-turn £000,	Variance £000,	Alert
Departmental Budgets						
	Adult Social Services	87,552	91,028	90,921	(107)	
	Children and Families	51,402	46,253	46,232	(21)	
	Environment and Neighbourhood Services	34,073	34,096	34,507	411	
	Regeneration & Major Projects	33,277	33,510	33,315	(195)	
	Central Services	32,550	37,565	37,236	(329)	
	<b>Total</b>	<b>240,854</b>	<b>242,452</b>	<b>242,211</b>	<b>(241)</b>	
Central Items						
	Capital Financing and Other Charges	25,343	25,343	22,002	(3,341)	
	Levies	2,579	2,579	3,129	550	
	Premature Retirement Compensation	5,416	5,416	5,245	(171)	
	Insurance Fund	1,800	1,800	2,525	725	
	New Homes Bonus	(2,794)	(2,794)	(2,794)	0	
	One Council Programme	(734)	(69)	(61)	8	
	Remuneration Strategy	229	229	171	(58)	
	South Kilburn Development	900	900	900	0	
	Affordable Housing PFI	1,288	0	0	0	
	Carbon Tax	304	304	(39)	(343)	
	Redundancy & Restructuring Costs	4,354	4,354	6,213	1,859	
	Inflation Provision	2,025	1,050	1,122	72	
	Council Tax Freeze Grant	(2,575)	(2,575)	(2,605)	(30)	
	Government Grants	(24,638)	(24,638)	(24,670)	(32)	
	Transformation Enabling Fund	3,500	3,500	3,500	0	
	Other Items	1,541	1,541	1,799	258	
	<b>Total central items</b>	<b>18,538</b>	<b>16,940</b>	<b>16,437</b>	<b>(503)</b>	
	Contribution to/(from) balances	1,000	1,000	1,744	744	
	<b>Total Budget Requirement</b>	<b>260,392</b>	<b>260,392</b>	<b>260,392</b>	<b>0</b>	
	Balances c/Fwd 1 <sup>st</sup> April 2012	10,080	10,080	10,316	236	
	Contribution from balances	1,000	1,000	1,744	744	
	<b>Total Balances for 31<sup>st</sup> March 2013</b>	<b>11,080</b>	<b>11,080</b>	<b>12,060</b>	<b>980</b>	



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